



UNITED STATES CENTRAL COMMAND
OFFICE OF THE COMMANDER
7115 SOUTH BOUNDARY BOULEVARD
MACDILL AIR FORCE BASE, FLORIDA 33621-5101

INFO MEMO

1 October 2008

FOR: SECRETARY OF DEFENSE
CHAIRMAN, JOINT CHIEFS OF STAFF

FROM: Lieutenant General Martin E. Dempsey, Acting Commander, U.S. Central Command

SUBJECT: Investigation of Possible Civilian Casualties during a Coalition Operation in Azizabad, Shindad District, Afghanistan on 21-22 August 2008

Mr. Secretary, Chairman,

(U) The purpose of this memo is to inform you that I have received the investigation into the allegations of up to 90 civilian casualties during Operation COMMANDO RIOT in Herat Province, Afghanistan on 21-22 August 2008. In this memorandum, I will recommend a way ahead.

BACKGROUND

- (~~S//NF~~) On 21-22 August 2008, Coalition Forces (CF) consisting of US and Afghan personnel conducted an operation to capture or kill a Taliban HVI target in the village of Azizabad. While infiltrating, CF received heavy fire from numerous positions in the village. CF responded with small arms and close air support (CAS) provided by an AC-130 Gunship.
- (U) In the immediate aftermath of the engagement, COMISAF directed CJTF-101, as the US National Command Element, to conduct an investigation. That investigation, approved on 31 Aug 2008, concluded that the casualty figures indicated that between 30-35 Taliban were killed along with 5-7 civilians killed and 2 civilians injured.
- (U) On 9 September 2008, I ordered a new investigation based on information presented by the International Committee for the Red Cross (ICRC), the Government of Afghanistan (GIROA) and the United Nations Mission to Afghanistan (UNAMA). Numbers from those organizations indicated that up to 90 persons had been killed. Additionally, previously unknown videos purporting to show the casualties began to surface in the press.
- (U) The investigation has just concluded. The investigating officer, Brigadier General Michael W. Callan, USAF, and his team assess that 55 persons were killed during the engagement including 33 civilians and 22 Taliban. I have included the EXSUM from that investigation and the out-brief from Brig Gen Callan (TABs A & B).

SUMMARY

- (U//~~FOUO~~) While the detailed legal review and my approval of the investigation is still pending, I believe that the new casualty figures are accurate and should be disclosed as soon as possible.
- (U) The initial casualty figures were based on the initial sensitive site exploitation (SSE) of the village in the direct aftermath of the engagement, and information available to the investigator at the time including reports from local medical clinics, intelligence reports and overhead imagery of local grave sites. However, the first investigation was hampered by factors such as bodies buried under rubble during the SSE, possible the use of communal graves, and the inability of the investigators to gain access to the village during the initial 96 hours after the engagement.
- (U//~~FOUO~~) The casualty figures of up to 90 killed as asserted by the ICRC, GIROA, and UNAMA cannot be substantiated. The investigating team physically visited the site and conducted a detailed review of the evidence from all relevant investigations, video footage, intelligence sources, and villager statements to eliminate discrepancies before arriving at the revised figures.
- (U) The investigation reinforced the fact that this operation was conducted in accordance with the rules of engagement and the Law of War. Despite the civilian casualties, our forces used necessary and proportional force during this engagement. These casualties can be directly attributed to the enemy's continued disregard for the Law of War as demonstrated by their tactic of hiding among, and engaging Coalition Forces while intermixed with, the civilian population. In order to mitigate the effects of conflict on the Afghan population, I have re-issued guidance (TAB C) to the Force to promote respect for Afghan culture, continue to take steps to minimize Afghan civilian casualties, and acknowledge such civilian casualties when they occur. These measures augment the rigorous targeting procedures we already utilize to prevent civilian casualties on a daily basis.
- (U//~~FOUO~~) We have prepared draft public affairs guidance and USCENCOM is prepared to issue a statement after Eid and upon COMISAF's return to Afghanistan in order to ensure that we give the public the most accurate figures and express regret over the loss of innocent civilian lives. Additionally, we intend to release an Unclassified/For Official Use Only version of the executive summary to ISAF, UNAMA, the ICRC and the GIROA.

Attachments

TAB A – EXSUM, dated 30 Sep 08 (U//~~FOUO~~)

TAB B – AR 15-6 Investigating Officer Briefing, dated 30 Sep 08

TAB C – Tactical Directive - Operation Enduring Freedom, Afghanistan (~~S/REL~~) dated 12 Sep 08

Classified By: LTG Martin E. Dempsey Acting Commander U.S. Central Command

Reason: 1.4 (a-h)

Declassify on: 1 OCT 2018

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EXHIBITS	DESCRIPTION
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H	(b)(3) 50 USC 3024(i), (b)(1)1.4c
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J	UNAMA Report
K	CJTF-101 video exploitation Log Date: 23 SEP 08
L	Operation ARAM TANDER II Video and AHRC List Analysis 20 SEP 08
M	AIHRC Evidentiary Pieces
N	GIRoA Report Log Date:25 SEP 08
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P	(b)(6) Article in NY Times 8 SEP 08
Q	Azizabad KLE from JISE Packet: 6 SEP 08
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V	USCENTCOM CONSOLIDATED SERIAL ONE RULES OF ENGAGEMENT FOR OPERATION ENDURING FREEDOM MOD 002
W	CJCSI 3121.01B STANDING RULES OF ENGAGEMENT FOR US FORCES ENCLOSURE A
Y	NEWSPAPER ARTICLE BY AMIR SHAH THE ASSOCIATED PRESS
X	CJSOTF-A INFORMATION PAPER 16 MAY 2007
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AA	Meetings of Secretary Robert Gates with Afghan Cabinet Ministers on September 17, 2008, Kabul, Afghanistan
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EE	Blank
1	Testimony of
2	Testimony of
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18	Testimony of		
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21	Testimony of		
22	Testimony of		
23	Statements of Azizabad Villagers		
24	Statement of	(b)(6)	
25	Blank		
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27	Testimony of		
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30	Statements of	(b)(6)	

Attachment 1 – Original AR 15-6 – (b)(3) 10 USC 130b, (b)(6) CJSOTF-A

ENCLOSURE	DESCRIPTION
A	Findings and Recommendations
B	Appointment Order
C	Chronology
D	OP COMANDO RIOT Time Line
E	CONOP D7326-207 "COMMANDO RIOT" LVL 2
F	TIC Story Board Slide
G	TIC Drill Down Slide
H	OPSUM AC-130 (b)(6)
I	OPSUM CONOP 7326-207
J	MIRC Chat# SOTF (b)(6) Reports
K	MFR, SUBJECT: Interview with Fox News Embed
L	MFR, SUBJECT: Interview with (b)(6) Herat Sub-Governor
M	Initial SSE
N	ROE Training Slides SOTF-32
O	DVD of Video Clips
O-1	FOX News RAW Video, Part 1
O-2	FOX News RAW Video, Part 2
O-3	FOX News RAW Video, Selected Portions
O-4	Reaper Video Part I (Beginning at 2328)
O-5	Reaper Video Part II (Beginning at 0017)
O-6	Reaper Video Part III (Beginning at 2230)
O-7	AC-130 Video
P	Statement of (b)(3) 10 USC 130b, (b)(6)
Q	ROE Training CJSOTF-A
R	Sediq TCTTIP 20080821
S	BDA 24 AUG
T	DIIR TF874-019
U	SSE Class
1	Statement of
2	Statement of
3	Statement of
4	Statement of
5	Statement of
6	Statement of
7	Statement of
8	Statement of
9	Statement of

Not
Processed for
First Release;
many
enclosures
duplicated in
BG Callan
subsequent
investigation

10	Statement of	(b)(3) 10 USC 130b, (b)(6)	
11	Statement of		
12	Statement of		
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30	Statement of		
31	Statement of		

Attachment 2 – TS Intel

ENCLOSURE	DESCRIPTION
1	JISE Package Serial: *3/CY/508027-08
2	Findings from JISE Package Serial: 3/CY/508027-08
3	JISE Package from GEN McKiernan

Attachment 3 – Videos

ENCLOSURE	DESCRIPTION	LENGTH
1	AIHRC – Bulldozer	00:00:52
2	AIHRC – Burying Bodies	00:00:26
3*	AIHRC – Death Bodies in the Mosque (doctor cell phone video)	00:08:04
4	AIHRC – Death Bodies outside Mosque	00:01:17
5	AIHRC – Graveyard	00:00:42
6	AIHRC – Raza Video	00:01:50
7*	AIHRC – Taking Bodies from the Mosque (cell phone video)	00:00:57
8	UNAMA – Heart Provincial Government Film	00:22:21
9	UNAMA – ANP Video	00:20:33
10*	UNAMA - Taking Bodies from the Mosque (cell phone video)	00:00:57
11*	UNAMA - Death Bodies in the Mosque (doctor cell phone video)	00:08:04
12	Fox News Unedited Video	02:09:05
13	Fox News Oliver North Report	00:01:46

* Repeat Film



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MEMORANDUM FOR Acting Commander, United States Central Command

SUBJECT: ~~(S//REL-ACGU)~~ Executive Summary of AR 15-6 Investigation into new information relative to civilian casualties from engagement by MSOT 873, SFODA 7326 and 207 Afghan Commando's on 21-22 AUG 2008 in Azizabad, Shindand District, Herat Province, Afghanistan.

Ref: (U) AR 15-6, *Procedures for Investigating Officers and Boards of Officers*, dated 2 October 2006

1. (U//~~FOUO~~) On 09 September 2008, I was appointed to conduct an AR 15-6 inquiry into new information surrounding civilian casualties in Azizabad on 21-22 August 2008. This memorandum provides an executive summary of the detailed facts, findings and recommendations in the attached investigation report.
2. (U//~~FOUO~~) **BLUF.** The allegations that U.S. or Afghan Forces committed violations of the Rules of Engagement or the Law of War during the 21-22 August 2008 fire fight in Azizabad that allegedly resulted in the death of approximately 90 civilians are unsubstantiated. Our investigation determined approximately 55 persons were killed (33 civilians and 22 Anti-Coalition Militants (ACM)).
3. ~~(S//REL-ACGU)~~ **FIVE Ws.** Who: MSOT 873, SFODA 7326 and 207 Afghan Commandos. What: Demonstrated due diligence in engaging positively identified (PID), hostile ACM with close air support (CAS) and small arms. When: 212139Z – 220416Z August 2008. Where: Azizabad, Shindand District, Herat Province. Why: (b)(1)1.4c indicated that Mullah Sediq, a local ACM Commander, and 20-30 ACM fighters had a planned Shura in Azizabad at the same time a funeral commemoration was planned for a local elder.
4. ~~(S//NF)~~ **SUMMARY OF EVENTS AS THEY OCCURRED.** Based on credible information

(b)(1)1.4a, (b)(1)1.4c		
(b)(1)1.4a, (b)(1)1.4c	Mullah Sediq, an	(b)(1)1.4a, (b)(1)1.4c

(b)(1)1.4a Exhibits U and BB). After receiving fire on infiltration, Coalition Forces engaged hostile ACM positions with a combination of small-arms fire, crew served weapons and CAS assets. During the operation, the Ground Force Commander (GFC), (b)(3)130b, (b)(6) delegated his authorities to the On-Scene-Commander (OSC) (b)(3)130b, (b)(6) due to the OSC's "situational awareness" of the battlefield. Working with the AC-130H crew, the OSC established PID of legitimate targets prior to engagement. Unfortunately and unknown to the Coalition Forces, the ACM chose fighting positions in close proximity to civilians.

SUBJECT: Executive Summary of investigation of possible civilian casualties during a Coalition operation in Azizabad, Shindad District, Afghanistan on 21-22 August 2008

5. (U) EVIDENTIARY SUPPORT. This investigation report contains 28 interviews resulting in more than 20 hours of recorded testimony from Afghan government officials, Afghan village elders, officials from IGOs/NGOs, U.S. and Afghan service members, 236 documents and 11 videos.

6. (U) DIRECTED FINDINGS.

a. (U) (2.a) How many persons were killed and/or wounded as a result of this combined operation?

~~(S//REL ACGU)~~ **Finding:** Approximately 55 individuals were killed during Operation COMMANDO RIOT (22 ACM and 33 civilians). (Exhibit H and 29; and Attachment 2, Enclosures 2-3)

(1) (U) How many of these persons were women and/or children?

(U) **Finding:** Of the 33 civilians believed killed during the fighting, we were only able to identify or discern from the videos three (3) women and 12 children.

(2) (U) How many of these persons can be reliably determined to be enemy combatants?

~~(S//NF)~~ **Finding:** According to two intelligence sources and SSE - 22 ACM were killed in the engagement. One of the sources provided a list of names of those fighters killed (Exhibits F, G and H).

b. (U) (2.b) Aside from the CJTF-101 investigation, have any other investigations been conducted with respect to the subject operation?

(U) **Finding:** UNAMA, GIRoA provided summarized reports. (Exhibits J & N) AIHRC provided evidentiary pieces (Exhibit M), and the ICRC was allegations only (Exhibit O). Additionally, due to primarily relying on villager statements, limited forensics, and no access to a multi-disciplined intelligence architecture, their reports lack independent evidence to support the allegations of higher numbers of civilian casualties.

(1) (U) If so, you will obtain copies of such investigations and determine their validity.

~~(S//NF)~~ **Finding:** The investigation team received copies of all available investigations. The AIHRC will not release an early version of their report that is scheduled for release on 15 October 2008. The validity of the investigations provided by these organizations and the GIRoA are in question. The investigations did not provide independent evidence of higher civilian casualties, predominantly relied on inconsistent villager statements and a statement that a "blood soaked rug" validated claims of 90 dead (Exhibit S). The casualty lists provided by ICRC, GIRoA and AIHRC were identical and were primarily derived from a (b)(1)1.4c, (b)(6)
(b)(1)1.4c, (b)(6) Attachment 2, Enclosure 1, page 4). The UNAMA report differed only slightly. The

SUBJECT: Executive Summary of investigation of possible civilian casualties during a Coalition operation in Azizabad, Shindad District, Afghanistan on 21-22 August 2008

evidence presented was tainted by alleged witnesses' interests in seeking political, financial and in many cases, their own survival (Attachment 2, Enclosures 2 & 3 and Exhibit Y). Additionally, no forensics were conducted and death toll claims were not supported by graves, video or intelligence (Exhibit J, page 12).

c. (U) (2.c.) Have lists of the dead and wounded been compiled in connection to the subject operation?

(U) **Finding:** Yes. Lists were compiled from UNAMA, AIHRC, the GIRoA, and ICRC (Exhibits J, M, N and O).

(1) (U) If so, obtain copies of the lists and determine their validity.

(U) **Finding:** Civilian casualty lists were compiled but were judged to be invalid due to investigative shortfalls, and Afghan cultural realities such as no recent census, birth / death certificates and inconsistent burial evidence. See the immediately preceding finding.

(2) (U) When (and to whom) were any such lists provided (e.g., GIRoA and/or UNAMA officials; local civic or religious leaders; members of the news media, etc.)?

(U) **Finding:** The four lists we received were provided by the Azizabad villagers or through the Herat Provisional Delegation on or about 25 September 2008 to AIHRC, ICRC, GIRoA and UNAMA. The first three lists are identical and the UNAMA list is a close derivative 82 out of the 89 claimed matched – the deviation cannot be explained (Exhibits J, M, N and O).

d. (U) (2.d) Were any photographs or video images made with respect to possible casualties that may have resulted from the subject operation?

(U) **Finding:** Yes, photographs from the Sensitive Site Exploitation (SSE) were obtained along with 11 videos. All appear to be valid reference geographic locations but claims from their content can't be substantiated. Photographs: CJSOTF-A SSE (Exhibit F), Videos: total of 11 (Attachment 3) Fox News videos (raw footage (1) and edited (1)), AIHRC provided seven (7) videos UNAMA provided four (4) videos; two (2) were duplicates of AIHRC submissions.

(1) (U) If so, obtain copies of the photographs and videos and determine their validity?

(U) **Finding:** Photographs and videos appear to be valid reference geo-specific location confirmed by on-site inspection, but we cannot substantiate claims (lists of 90 persons) derived from videos content (Exhibit K)

(2) (U) When (and to whom) were such images shown and/or provided to other persons (e.g., GIRoA and/or UNAMA officials; local civic or religious leaders; members of the news media, etc.)?

SUBJECT: Executive Summary of investigation of possible civilian casualties during a Coalition operation in Azizabad, Shindad District, Afghanistan on 21-22 August 2008

(U) **Finding:** Approximately 24 August 2008 and provided to at least UNAMA, AIHRC, GIRoA and selected media outlets (Exhibits J, M, N, O, 17 and 18).

e. (U) (2.e) When, where, and by whom, was any medical attention or care provided to those who may have been killed or wounded as a result of the subject operation?

(U) **Finding:** The two (2) wounded on the objective were treated by CJSOTF-A (CF statements, SSE photos, IGO reports and Fox News video). The wounded were initially transported to FOB Thomas for follow-on treatment, then to the Herat PRT where the female child unfortunately died. Although UNAMA claims nine (9) superficially wounded treated at the Shindand Hospital, a local doctor stated that no civilians were treated at the Shindand Hospital or on-site after the engagement. (Exhibit 29)

(1) (U) Were any inquiries, determinations, and/or reports made by medical care providers as to the extent and particulars of any casualties that resulted from the subject operation?

(U) **Finding:** Yes (Exhibit 29 & Attachment 1, Enclosure 7)

(2) (U) When (and to whom) was such information reported and/or provided to other persons (e.g., GIRoA and/or UNAMA officials; local civic or religious leaders; members of the news media, etc.)?

(U) **Finding:** 25 August 2008, UNAMA (Exhibit J)

f. (2.f.) (U) How long did it take to recover casualties/remove rubble from the area of the subject operation?

(U) **Finding:** Majority of the deceased removed from the rubble 22 – 23 August 2008 (Exhibit F, J, P and 17).

(1) (U) Where and when were any deceased persons buried?

(S//NF) **Finding:** (b)(1)1.4c determined 48 graves since 24 June 2008 in a 20km radius from Azizabad (of 150 gravesites, 11 were active gravesites) (Exhibit I). The distribution of the 48 individual graves are 18 graves in Azizabad, 17 graves in Raza Shariff, four (4) graves in the Azizabad madrassa, two (2) graves in Kanak, and seven (7) single graves in seven (7) gravesites.

(2) (U) Where and when were any remains placed for open viewing prior to the burial?

(U) **Finding:** On or about 22 – 23 August 2008 in the mosque of Azizabad, building 49 per the gridded reference graphic (GRG) (Exhibit E and J).

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g. (2.g.) (U) What was the extent of any efforts made by the U.S. and/or GIRoA military personnel to determine the number of persons who may have been killed and/or wounded as a result of the operation?

~~(S//NF)~~ **Finding:** 29 August 2008 CJTF-101 informal investigation completed (Attachment 1); 22 August 2008 (b)(1)1.4c ANA initiated investigation, determined 90 ACM or their associates KIA. (Exhibit R and S)

(1) (U) What was the extent of any such effort with respect to determining how many of the dead or wounded may have been women and/or children?

~~(S//NF)~~ **Finding:** The CJSOTF-A investigation expanded on the SSE; two (2) females, four (4) children (Attachment 1); the ANP investigation did not distinguish ACM personnel as male, female or children. (Exhibit R)

h. What, if any, measures have been taken to offer any condolence payments or other payments to any surviving casualties or the families of any deceased persons resulting from the subject operation?

(U) **Finding 1:** No condolence payments have been made by Coalition Forces (unrecorded statement by CDR CJSOTF-A). During discussions with (b)(3)130b, (b)(6), he explained that he would not make any condolence or solatia payments until the conclusion of all investigations, when he could determine who should receive payment.

(U) **Finding 2:** The GIRoA paid \$2000 USD to each family of the alleged 90 civilians killed, \$1000 USD for each person wounded, plus government sponsored trip to the Haj (Exhibits J and S). According to the UNAMA investigation, GIRoA official, Minister of Haj and Islamic Affairs (b)(6) paid a total of 9,300,000 Afghanis to Azizabad Elders (b)(6) is one of the reps who received money) (Exhibit J).

7. ADDITIONAL FINDINGS:

a. (U) **Finding:** Coalition Forces did not commit any violations of the Law of War or Rules of Engagement. The use of force was in self-defense and was necessary and proportional based on the information the OSC had at the time.

b. (U) **Finding:** There a planned ceremony in Azizabad to commemorate the death of Timor Shah scheduled for 22 August 2008. (Exhibit T)

c. ~~(S//NF)~~ **Finding:** There was a planned ACM Shura in Azizabad in conjunction with above commemoration. (b)(1)1.4c (Attachment 1 and Exhibits 1, 5 and 11)

SUBJECT: Executive Summary of investigation of possible civilian casualties during a Coalition operation in Azizabad, Shindad District, Afghanistan on 21-22 August 2008

d. ~~(S//NF)~~ **Finding:** Operation COMMANDO RIOT was not triggered by clan-on-clan rivalry, (b)(1)1.4c (Exhibits 1, 5 and 11).

e. (U) **Finding:** Most likely, some of the ACM in Azizabad were also security contractors for Armor Group. Due to Shindand Airfield expansion, Armor Group was forced to sub-contract. Armor Group issued sub-contractors old uniforms; the sub-contractor may not have had tight controls on sensitive items (weapons, uniforms, IDs). Additionally, there has been historical precedence of Armor Group employees "moonlighting" for Reza Khan as security. If discovered, the employees found "moonlighting" were fired, per Armor Group policy (Exhibit 13).

f. (U) **Finding:** There were contracted demining operations conducted in the vicinity of Shindand Airfield run by Armor Group Mine Actions for which some of their employees were residents of Azizabad. Demining employees were not allowed to take mines or equipment off-site and the demined munitions from the Shindand Airfield were all anti-personnel mines and not anti-tank mines found during SSE.

8. RECOMMENDATIONS

a. **Directed Recommendation:** ~~(S//NF)~~ While CJSOTF-A has policy guidance to this effect, other U.S. Forces in OEF may not. Recommend CENTCOM publish guidance stating in cases where the GFC deems it tactically feasible, objectives should remain in "Coalition Force control" following the operation to preserve the evidence, comprehensively document casualties, communicate the facts and evidence to GIRoA, IGOs, and NGOs; conduct Key Leader Engagements / Shuras, make solatia payments as appropriate, and coordinate immediate HA support (Exhibit Z).

b. **Directed Recommendation:** (U//~~FOUO~~) Per recent SecDef guidance dated 17 September 2008, all future investigations into disputed civilian casualties will be conducted as joint U.S. / GIRoA efforts whenever possible (Exhibit AA).

c. **Directed Recommendation:** (U//~~FOUO~~) Recommend CENTCOM publish guidance directing future investigating officers to work with appropriate IGOs / NGOs to gain any/all information on civilian casualty investigations.

9. (U) The POC for this action is the undersigned at DSN (b)(6).



MICHAEL W. CALLAN
Brig Gen, USAF
Investigating Officer



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4. ~~(S//NF)~~ SUMMARY OF EVENTS AS THEY OCCURRED. (b)(1)1.4a, (b)(1)1.4c

(b)(1)1.4a, (b)(1)1.4c

MSOT 873, SFODA 7326 and 207 Afghan Commando's executed Operation 7326-207

"Commando Riot" to capture/kill Mullah Sediq, (b)(1)1.4a, (b)(1)1.4c

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(U) **Finding:** UNAMA, GIRoA provided summarized reports. AIHRC provided evidentiary pieces, and the ICRC was allegations only. Additionally, due to primarily relying on villager statements, limited forensics, and no access to a multi-disciplined intelligence architecture, their reports lack independent evidence to support the allegations of higher numbers of civilian casualties.

(1) (U) If so, you will obtain copies of such investigations and determine their validity.

~~(S//NF)~~ **Finding:** The investigation team received copies of all available investigations. The AIHRC will not release an early version of their report that is scheduled for release on 15 October 2008. The validity of the investigations provided by these organizations and the GIRoA are in question. The investigations did not provide independent evidence of higher civilian casualties, predominantly relied on inconsistent villager statements and a statement that a "blood soaked rug" validated claims of 90 dead. The casualty lists provided by ICRC, GIRoA and AIHRC were identical and were primarily derived from a single source — (b)(1)1.4c, (b)(6). The UNAMA report differed only slightly. The evidence presented was tainted by alleged witnesses' interests in seeking political, financial and in many cases, their own survival. Additionally, no

SUBJECT: Executive Summary of investigation of possible civilian casualties during a Coalition operation in Azizabad, Shindad District, Afghanistan on 21-22 August 2008

forensics were conducted and death toll claims were not supported by graves, video or intelligence.

c. (U) (2.c.) Have lists of the dead and wounded been compiled in connection to the subject operation?

(U) **Finding:** Yes. Lists were compiled from UNAMA, AIHRC, the GIRoA, and ICRC.

(1) (U) If so, obtain copies of the lists and determine their validity.

(U) **Finding:** Civilian casualty lists were compiled but were judged to be invalid due to investigative shortfalls, and Afghan cultural realities such as no recent census, birth / death certificates and inconsistent burial evidence. See the immediately preceding finding.

(2) (U) When (and to whom) were any such lists provided (e.g., GIRoA and/or UNAMA officials; local civic or religious leaders; members of the news media, etc.)?

(U) **Finding:** The four lists we received were provided by the Azizabad villagers or through the Herat Provisional Delegation on or about 25 September 2008 to AIHRC, ICRC, GIRoA and UNAMA. The first three lists are identical and the UNAMA list is a close derivative 82 out of the 89 claimed matched – the deviation cannot be explained.

d. (U) (2.d) Were any photographs or video images made with respect to possible casualties that may have resulted from the subject operation?

(U) **Finding:** Yes, photographs from the Sensitive Site Exploitation (SSE) were obtained along with 11 videos. All appear to be valid reference geographic locations but claims from their content can't be substantiated. Photographs: CJSOTF-A SSE, Videos: total of 11, Fox News videos (raw footage (1) and edited (1), AIHRC provided seven (7) videos UNAMA provided four (4) videos; two (2) were duplicates of AIHRC submissions.

(1) (U) If so, obtain copies of the photographs and videos and determine their validity?

(U) **Finding:** Photographs and videos appear to be valid reference geo-specific location confirmed by on-site inspection, but we cannot substantiate claims (lists of 90 persons) derived from videos content.

(2) (U) When (and to whom) were such images shown and/or provided to other persons (e.g., GIRoA and/or UNAMA officials; local civic or religious leaders; members of the news media, etc.)?

(U) **Finding:** Approximately 24 August 2008 and provided to at least UNAMA, AIHRC, GIRoA and selected media outlets.

SUBJECT: Executive Summary of investigation of possible civilian casualties during a Coalition operation in Azizabad, Shindad District, Afghanistan on 21-22 August 2008

e. (U) (2.e) When, where, and by whom, was any medical attention or care provided to those who may have been killed or wounded as a result of the subject operation?

(U) **Finding:** The two (2) wounded on the objective were treated by CJSOTF-A. The wounded were initially transported to FOB Thomas for follow-on treatment, then to the Herat PRT where the female child unfortunately died. Although UNAMA claims nine (9) superficially wounded treated at the Shindand Hospital, a local doctor stated that no civilians were treated at the Shindand Hospital or on-site after the engagement.

(1) (U) Were any inquiries, determinations, and/or reports made by medical care providers as to the extent and particulars of any casualties that resulted from the subject operation?

(U) **Finding:** Yes

(2) (U) When (and to whom) was such information reported and/or provided to other persons (e.g., GIRoA and/or UNAMA officials; local civic or religious leaders; members of the news media, etc.)?

(U) **Finding:** 25 August 2008, UNAMA

f. (2.f.) (U) How long did it take to recover casualties/remove rubble from the area of the subject operation?

(U) **Finding:** Majority of the deceased removed from the rubble 22 – 23 August 2008.

(1) (U) Where and when were any deceased persons buried?

~~(S//NF)~~ **Finding:** (b)(1)1.4c determined 48 graves since 24 June 2008 in a 20km radius from Azizabad (of 150 gravesites, 11 were active gravesites). The distribution of the 48 individual graves are 18 graves in Azizabad, 17 graves in Raza Shariff, four (4) graves in the Azizabad madrassa, two (2) graves in Kanak, and seven (7) single graves in seven (7) gravesites.

(2) (U) Where and when were any remains placed for open viewing prior to the burial?

(U) **Finding:** On or about 22 – 23 August 2008 in the mosque of Azizabad, building 49 per the gridded reference graphic (GRG).

g. (2.g.) (U) What was the extent of any efforts made by the U.S. and/or GIRoA military personnel to determine the number of persons who may have been killed and/or wounded as a result of the operation?

~~(S//NF)~~ **Finding:** 29 August 2008 CJTF-101 informal investigation completed; 22 August 2008 (b)(1)1.4c ANA initiated investigation, determined 90 ACM or their associates KIA.

SUBJECT: Executive Summary of investigation of possible civilian casualties during a Coalition operation in Azizabad, Shindad District, Afghanistan on 21-22 August 2008

(1) (U) What was the extent of any such effort with respect to determining how many of the dead or wounded may have been women and/or children?

~~(S//NF)~~ **Finding:** The CJSOTF-A investigation expanded on the SSE; two (2) females, four (4) children; the ANP investigation did not distinguish ACM personnel as male, female or children.

h. What, if any, measures have been taken to offer any condolence payments or other payments to any surviving casualties or the families of any deceased persons resulting from the subject operation?

(U) **Finding 1:** No condolence payments have been made by Coalition Forces. During discussions with (b)(3)130b, (b)(6), he explained that he would not make any condolence or solatia payments until the conclusion of all investigations, when he could determine who should receive payment.

(U) **Finding 2:** The GIRoA paid \$2000 USD to each family of the alleged 90 civilians killed, \$1000 USD for each person wounded, plus government sponsored trip to the Haj. According to the UNAMA investigation, GIRoA official, Minister of Haj and Islamic Affairs (b)(6) (b)(6) paid a total of 9,300,000 Afghanis to Azizabad Elders (b)(6) is one of the reps who received money).

7. ADDITIONAL FINDINGS:

a. (U) **Finding:** Coalition Forces did not commit any violations of the Law of War or Rules of Engagement. The use of force was in self-defense and was necessary and proportional based on the information the OSC had at the time.

b. (U) **Finding:** There a planned ceremony in Azizabad to commemorate the death of Timor Shah scheduled for 22 August 2008.

c. ~~(S//NF)~~ **Finding:** There was a planned ACM Shura in Azizabad in conjunction with above commemoration.

d. ~~(S//NF)~~ **Finding:** Operation COMMANDO RIOT was not triggered by clan-on-clan rivalry, (b)(1)1.4c

e. (U) **Finding:** Most likely, some of the ACM in Azizabad were also security contractors for Armor Group. Due to Shindand Airfield expansion, Armor Group was forced to sub-contract. Armor Group issued sub-contractors old uniforms; the sub-contractor may not have had tight controls on sensitive items (weapons, uniforms, IDs). Additionally, there has been historical precedence of Armor Group employees "moonlighting" for Reza Khan as security. If discovered, the employees found "moonlighting" were fired, per Armor Group policy.

SUBJECT: Executive Summary of investigation of possible civilian casualties during a Coalition operation in Azizabad, Shindad District, Afghanistan on 21-22 August 2008

f. (U) **Finding:** There were contracted demining operations conducted in the vicinity of Shindand Airfield run by Armor Group Mine Actions for which some of their employees were residents of Azizabad. Demining employees were not allowed to take mines or equipment off-site and the demined munitions from the Shindand Airfield were all anti-personnel mines and not anti-tank mines found during SSE.


8. RECOMMENDATIONS

a. **Directed Recommendation:** ~~(S//NF)~~ While CJSOTF-A has policy guidance to this effect, other U.S. Forces in OEF may not. Recommend CENTCOM publish guidance stating in cases where the GFC deems it tactically feasible, objectives should remain in "Coalition Force control" following the operation to preserve the evidence, comprehensively document casualties, communicate the facts and evidence to GIRoA, IGOs, and NGOs; conduct Key Leader Engagements / Shuras, make solatia payments as appropriate, and coordinate immediate HA support.

b. **Directed Recommendation:** (U//~~FOUO~~) Per recent SecDef guidance dated 17 September 2008, all future investigations into disputed civilian casualties will be conducted as joint U.S. / GIRoA efforts whenever possible.

c. **Directed Recommendation:** (U//~~FOUO~~) Recommend CENTCOM publish guidance directing future investigating officers to work with appropriate IGOs / NGOs to gain any/all information on civilian casualty investigations.

9. (U) The POC for this action is the undersigned at DSN (b)(6).


MICHAEL W. CALLAN
Brig Gen, USAF
Investigating Officer

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Azizabad, Herat Province, Afghanistan Investigation Outbrief (U)

**LTG Dempsey
ACDR CENTCOM
30 SEP 08**

(b)(3)130b, (b)(6)

**Reason: 1.4 (a-h)
Declassify on: 30 SEP 2018**

0019



Overview (U)

- (U) Team Composition
- (U) Mission
- (U) Key Issue, Chronology and Investigation Summary
- (U) Operation COMMANDO RIOT
- (U) Specified Tasks
- (U) Directed Findings
- (U) Additional Findings
- (U) Recommendations



Investigation Team (U)

- **(U) Primary investigation members**
 - **(U) Investigating Officer (IO):** Brig Gen Mike Callan, USAF
 - **(U) Deputy IO:** (b)(3)130b, (b)(6)
 - **(U) Judge Advocate:** (b)(3)130b, (b)(6)
 - **(U) Executive Assistants:** (b)(3)130b, (b)(6)
(b)(3)130b, (b)(6)
 - **(U) Court Reporter:** (b)(3)130b, (b)(6)
- **(U) Contributors**
 - **(U) ISAF (SJA, PAO and CENTCOM LNO)**
 - **(U) CJTF-101 (CJ6,** (b)(3)130b, (b)(6) **)**
 - **(U) CJSOTF-A (Everyone)**
 - **(U) CSTC-A (Dep PMA USEMB)**
 - **(U) DIA (DOCEX)**



Mission Statement (U)

- (U) USCENTCOM appointed team deploys 11 SEP 08 to investigate the existence and validity of new information regarding civilian casualties during Operation “COMMANDO RIOT” in Azizabad, Shindand District, Herat Province, Afghanistan on 21-22 AUG 08 and report findings and recommendations to ACDR USCENTCOM NLT 24 SEP 08 (1 OCT 08 extension approved)



Key Issue (U)

CJSOTF-A
30 - 35 KIA
(6 civ killed)

Δ ~ 60

GIRoA UNAMA
AIHRC, ICRC
90-91 civ killed

SSE

- 7 ACM KIA
- 6 civ killed
- F/O testimony accounts for 2 more civ dead not counted

Δ Enablers

- Rubble
- HE effect on human remains – Communal graves
- ACM control of OBJ for 96 hours

- 3 Investigations
- Killed numbers derived from villager statements and video
- 90 - 91 killed not supported by video, graves and intel
- Motives for higher civ #'s are financial, political and survival

(U) This investigation found a “thread of truth” in both stories



Chronology (U)

- **09 SEP 08** LTG Dempsey appoints AR 15-6 investigation team
- **12 SEP 08** CENTCOM personnel arrive in Ramstein AB, GE (join Brig Gen Callan and (b)(3)130b, (b)(6))
- **15 SEP 08** VTC w/ CJSOTF-A
- **16 SEP 08** Depart Ramstein via C-17, Arrive Bagram AB
- **17 SEP 08** Met key CJSOTF-A personnel including (b)(3)130b, (b)(6) (CJSOTF-A CDR); MG Schlosser, CJTF 101 POLAD
- **18 – 21 SEP 08** Moved to ISAF HQ; met UNAMA, AIHRC, LTG Karami (Afghan MoD), Gen McKiernan, ICRC; talked to Ms. Carlotta Gall (NY Times), Maj Gen Remkes (ACCE), and key CJSOTF-A personnel
- **21 – 22 SEP 08** Moved to FOB Thomas, Shindand; went to Azizabad, viewed objective area, graves, talked to elders and villagers; talked to key MARSOC/SF personnel, Shindand airport contractors, (b)(6) (Shindand sub-Governor)
- **22 – 26 SEP 08** Moved to Bagram AB; talked with key JSOTF-A/JSOAD personnel, (b)(6) (b)(6) (removed Afghan Commando Brigade CDR), (b)(6) (Afghan Tolo TV), (b)(6) General Director of Minister of Haj
- **26 – 30 SEP 08** Draft Briefing/AR 15-6, brief GEN McKiernan and LTG Dempsey
- **2 Oct 08** Depart Bagram AB via C-17, Arrive Ramstein AB, GE; CENTCOM members continue to Tampa, FL



Investigative Summary (U)

- (U) Most comprehensive investigation done to date
 - (U) Conducted 28 interviews resulting in >20 hours of recorded testimony, utilizing four (4) court reporters to transcribe
 - (U) CJSOTF-A (including personnel from HQ and FOB Thomas)
 - (U) UNAMA, GIRoA, AIHRC (partial), and ICRC
 - (U) Elders and villagers in Azizabad; Shindand Airport Contractors (Armor Group Security and Armor Group Mine Actions)
 - (U) Reviewed 236 documents
 - (U) Including CJSOTF-A Joint Intelligence Support Element Top Secret documents (130) containing:
 - (b)(1)1.4c
 - (U) Reviewed and analyzed 11 videos
 - (U) 2 Fox News
 - (U) 7 AIHRC
 - (U) 4 UNAMA (2 videos were identical to those provided by AIHRC)
 - (U) Conducted an on-site inspection of the objective area and two (2) grave sites
 - (U) Inspected the entire objective area including all damaged / destroyed buildings
 - (U) Mosque featured in videos
 - (U) Requested assistance from:
 - (U) FBI (Forensic Audio Video Investigation Unit (FAVIU) and rubble analysis (data sent to FBI HQ – Requested 16 SEP 08: RESULTS PENDING))
 - (U) ISAF DIA Document Exploitation Cell, CJTF-101 Document Exploitation Cell
 - (U) CJTF-101 and CJSOTF-A
 - (U) ISAF, CJTF-101 and CJSOTF-A translators

Page 26 redacted for the following reason:

(b)(1)1.4a

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Op CDO RIOT Overview

MACRO

C 11

D

E

F

G

H

3

(b)(1)1.4a, (b)(1)1.4c, (b)(1)1.4g

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(b)(1)1.4a, (b)(1)1.4c, (b)(1)1.4g

(b)(1)1.4a, (b)(1)1.4c, (b)(1)1.4g



Specified Tasks (U)

- **(U) How many persons were killed and/or wounded as a result of this combined operation?**
- **(U) Aside from the CJTF-101 investigation, have any other investigations been conducted with respect to the subject operation?**
- **(U) Have lists of the dead and wounded been compiled in connection to the subject operation?**
- **(U) Were any photographs or video images made with respect to possible casualties that may have resulted from the subject operation?**
- **(U) When, where, and by whom, was any medical attention or care provided to those who may have been killed or wounded as a result of the subject operation?**



Specified Tasks cont. (U)

- **(U) How long did it take to recover casualties/remove rubble from the area of the subject operation?**
- **(U) What was the extent of any efforts made by the U.S. and/or GIRoA military personnel to determine the number of persons who may have been killed and/or wounded as a result of the operation?**
- **(U) What, if any, measure have been taken to offer any condolence payments or other payments to any surviving casualties or the families of any deceased persons resulting from the subject operation?**



Directed Findings (U)

- (U) 2.a. How many persons were killed and/or wounded as a result of this combined operation?
 - (U) FINDING: Substantiated ~55 killed in Azizabad (22 ACM + 33 civilians)
 - ~~(S/NF)~~ (b)(1)1.4c 56 total killed in Azizabad (Exhibit H and Q)
 - ~~(S/NF)~~ (b)(1)1.4c 22 named ACM KIA in Commando Riot (Exhibit G)
 - ~~(S/NF)~~ (b)(1)1.4c 17 removed from objective on 22 AUG 08 (Exhibit H)
 - ~~(S/NF)~~ CJSOTF-A SSE documents seven (7) ACM KIA, six (6) civilians killed, and one (1) wounded (Exhibit F)
 - ~~(S/NF)~~ CJTF-101 video exploitation supports minimum of 23 killed displayed in mosque (Exhibit K)
 - ~~(S/NF)~~ CJSOTF-A NDS of the 23 displayed in the mosque, video exploitation identifies three (3) ACM KIA PID from SSE; later displayed in mosque (Exhibit L, pages 7-8)
 - (U) Villager statements thru UNAMA show 13 civilians discovered in rubble on 23 Aug (Exhibit J)
- =====
- ~~(S/NF)~~ So, 22 EKIA (17 removed off the objective / five (5) local ACM remain in Azizabad) + 20 civilians killed displayed in mosque = 42 killed
 - ~~(S/NF)~~ 20 civilians killed + five (5) “local” ACM = 25
 - ~~(S/NF)~~ 42 killed + 13 removed from rubble on 23 AUG 08 = 55 total killed (two (2) intel sources support 56 total killed)
 - (U) One (1) confirmed wounded (Attachment 1, Enclosure 7); nine (9) possible with superficial wounds; no personnel treated at the Shindand Hospital



Directed Findings (U)

- (U) 2.a.1. How many of these persons were women and/or children?
 - ~~(S/NF)~~ FINDING: 33 civilians (minimum of three (3) women and 12 children)
 - ~~(S/NF)~~ Five (5) men
 - (U) 13 civilians unable to determine (Exhibits J and K)
- (U) 2.a.2. How many of these persons can be reliably determined to be enemy combatants?
 - ~~(S/NF)~~ FINDING: 22 ACM KIA (Exhibits G and H)



Directed Findings cont. (U)

- (U) 2.b. Aside from the CJTF-101 investigation, have any other investigations been conducted with respect to the subject operation?
 - (U) FINDING: UNAMA (Exhibit J), GIRoA (Exhibit N), AIHRC evidentiary pieces (Exhibit M), Herat Provincial Team and ANP/ANA (no reports provided – intel in Attachment 2, Enclosure 1) and the ICRC (allegations only – Exhibit O)
- (U) 2.b.1. If so, you will obtain copies of such investigations and determine their validity.
 - (U) FINDING: No independent evidence of higher civilian casualties
 - ~~(S/NF)~~ Predominantly reliant on inconsistent villager statements and “blood soaked rug” (Exhibit S)
 - ~~(S/NF)~~ Casualty list relied on mainly one source – (b)(6), (b)(1)1.4c (Attachment 2, Enclosure 1, page 4)
 - ~~(S/NF)~~ Motivated by political / financial gain and survival (Attachment 2, Enclosure 2)
 - (U) No forensics conducted (civilian casualty claims unsupported by graves, video or intel) (Exhibit J, page 12)
 - (U) Limited scope of their investigations
 - (U) They have no equivalent to U.S. DoD’s intelligence network



Directed Findings cont. (U)

- (U) 2.c. Have lists of the dead and wounded been compiled in connection to the subject operation?
 - (U) FINDING: Yes (Exhibits J, M, N and O)
- (U) 2.c.1. If so, obtain copies of the lists and determine their validity.
 - (U) FINDING: Very low confidence in their validity (see 2.b.1)
 - (U) Additionally, no AFG census system for the last 30+ years; no birth or death certificates and inconsistent burial evidence
- (U) 2.c.2. When (and to whom) were any such lists provided (e.g., GIRoA and/or UNAMA officials; local civic or religious leaders; members of the news media, etc.)?
 - (U) FINDING: Four lists provided o/a 25 AUG – 25 SEP 08:, AIHRC, ICRC, GIRoA and UNAMA
 - (U) Three identical and one close derivative (Exhibits J, M, N and O)



Directed Findings cont. (U)

- (U) 2.d. Were any photographs or video images made with respect to possible casualties that may have resulted from the subject operation?
 - (U) FINDING: Yes
 - ~~(S)~~ Photographs: CJSOTF-A SSE (Exhibit F)
 - (U) Videos: total of 11 (Attachment 3)
 - (U) Fox News videos (raw footage (1) and edited (1))
 - (U) AIHRC provided seven (7) videos
 - (U) UNAMA provided four (4) videos; two (2) were duplicates of AIHRC submissions
- (U) 2.d.1. If so, obtain copies of the photographs and videos and determine their validity.
 - (U) FINDING: Photographs and videos appear to be valid ref geo-specific location confirmed by on-site inspection, but can't substantiate claims derived from videos content (Exhibit K)
- (U) 2.d.2. When (and to whom) were such images shown and/or provided to other persons (e.g., GIRoA and/or UNAMA officials; local civic or religious leaders; members of the news media, etc.)?
 - (U) FINDING: Approximately 24 AUG 08 and provided to at least UNAMA, AIHRC, GIRoA and selected media outlets (Exhibits J, M, N, O, 17 and 18)



Directed Findings cont.(U)

- (U) 2.e. When, where, and by whom, was any medical attention or care provided to those who may have been killed or wounded as a result of the subject operation?
 - (U) FINDING: The two (2) wounded on the objective were treated by CJSOTF-A (CF statements, SSE photos, IGO reports and Fox News video)
 - (U) Initially transported to FOB Thomas for follow-on treatment, then to the Herat PRT where the female child died
 - (U) UNAMA claims nine (9) superficially wounded treated at the Shindand Hospital; no personnel treated at the Shindand Hospital
- (U) 2.e.1. Were any inquiries, determinations, and/or reports made by medical care providers as to the extent and particulars of any casualties that resulted from the subject operation?
 - (U) FINDING: Yes (Attachment 1, Enclosure 7)
- (U) 2.e.2. When (and to whom) was such information reported and/or provided to other persons (e.g., GIRoA and/or UNAMA officials; local civic or religious leaders; members of the news media, etc.)?
 - (U) FINDING: 25 AUG 08, UNAMA (Exhibit J)



Directed Findings cont. (U)

- (U) 2.f. How long did it take to recover casualties/remove rubble from the area of the subject operation?
 - (U) FINDING: Majority of the deceased removed from the rubble 22-23 AUG 08.(Exhibit F, J, P and 17)
- (U) 2.f.1. Where and when were any deceased persons buried?
 - ~~(S/NF)~~ FINDING: (b)(1)1.4c 48 graves since 24 JUN 08 in a 20km radius from Azizabad (of 150 gravesites, 11 active) (Exhibit I)
 - ~~(S/NF)~~ 48 = 18 graves in Azizabad, 17 graves in Raza Shariff, four (4) graves in Azizabad madrassa, two (2) graves in Kanak, seven (7) single graves in seven (7) gravesites
 - ~~(S/NF)~~ 38 dead buried vic Azizabad as a result of Op CDO RIOT
 - ~~(S/NF)~~ 17 ACM KIA removed from the Azizabad area (Exhibit H)
 - ~~(S/FVEY, RELIDO)~~ Azizabad Elders claim multiple personnel buried in each grave. GIROA Minister of Haj states IAW Muslim law, 1 grave equals 1 person. Azizabad would have had no exceptions to this rule (Exhibit 27 and S)
- (U) 2.f.2. Where and when were any remains placed for open viewing prior to the burial?
 - (U) FINDING: o/a 22 – 23 AUG 08 mosque in Azizabad (Exhibit J)



Directed Findings cont. (U)

- (U) 2.g. What was the extent of any efforts made by the U.S. and/or GIRoA military personnel to determine the number of persons who may have been killed and/or wounded as a result of the operation?
 - (U) FINDING: 22 AUG 08 CJSOTF-A investigator directed to initiate informal investigation; 29 AUG 08 completed (Attachment 1)
 - (U) 31 AUG 08 CJTF-101 reviewed
 - (U) 1 SEP 08 ISAF legal assessment completed
 - ~~(S/NF)~~ 22 AUG 08 (b)(1)1.4c ANA initiated investigation, determined 90 ACM or their associates KIA (Exhibit R and S)
- (U) 2.g.1. What was the extent of any such effort with respect to determining how many of the dead or wounded may have been women and/or children?
 - ~~(S/NF)~~ FINDING: The CJSOTF-A investigation expanded on the SSE; two (2) females, four (4) children (Attachment 1)
 - ~~(S/NF)~~ ANP investigation did not distinguish ACM personnel as male, female or children (Exhibit R)



Directed Findings cont. (U)

- (U) 2.h. What, if any, measures have been taken to offer any condolence payments or other payments to any surviving casualties or the families of any deceased persons resulting from the subject operation?
 - (U) FINDING: No condolence payments have been made by Coalition Forces (unrecorded statement by CDR CJSOTF-A)
 - (U) GIRoA paid \$2000 USD to each family of the alleged 90 civilians killed, \$1000 USD for each person wounded, plus government sponsored trip to the Haj (Exhibit J and S)
 - (U) UNAMA claims GIRoA official, Minister of Haj and Islamic Affairs Nmatullah Sharrani paid a total of 9,300,000 Afghanis to Azizabad Elders (b)(6) one of the reps who received money) (Exhibit J)



Additional Findings (U)

- (U) 1. Did the Coalition Forces commit any violations of the Law of War or Rules of Engagement?
 - (U) FINDING: No, the use of force was in self-defense and was necessary and proportional based on the information the On Scene Commander had at the time (through CENTCOM Investigation Team - multiple interviews, analysis of the testimony, physical evidence and on-site physical inspection of the objective area / reconstruction of the events)
- (U) 2. Was there a planned ceremony in Azizabad to commemorate the death of Timor Shah?
 - (U) FINDING: Yes, was scheduled for 22 August 2008 (Exhibit T)
- (b)(1)1.4c
- (U) 4. Was Operation COMMANDO RIOT triggered by clan-on-clan rivalry?
 - ~~(S/NF)~~ FINDING: No (triggered by

(b)(1)1.4c

)

(b)(1)1.4c



Additional Findings cont. (U)

- (U) 5. Were some of the ACM in Azizabad security contractors for Armor Group?
 - (U) FINDING: Most likely, yes. There has been historical precedence of Armor Group employees “moonlighting” for Reza Khan as security. (Exhibit 13)
- (U) 6. If “moonlighting” is discovered, what is Armor Group’s policy?
 - (U) FINDING: Employees found “moonlighting” are fired, per Armor Group policy (Exhibit 13)
- (U) 7. Were security sub-contractors used at Shindand Airfield?
 - (U) FINDING: Yes, due to airfield expansion Armor Group was forced to sub-contract (Exhibit 13)
 - (U) Armor Group issued sub-contractors old uniforms, sub-contractor may not have had as tight controls on sensitive items (wpns, uniforms, IDs)
- (U) 8. Are contracted demining operations conducted vic Shindand Airfield?
 - (U) FINDING: Yes, run by Armor Group Mine Actions (Exhibit 14)
 - (U) Demining personnel not allowed to take mines or equipment off-site
 - (U) Demined munitions vic Shindand Airfield were all anti-personnel mines
 - (U) Mines found during SSE were all anti-tank mines



Directed Recommendations (U)

- (U) 3.a. More accurately determine, initially report, and make follow-on reports as to the extent of the civilian casualties following coalition operations of a similar nature.
- (U) 3.b. What, if any, procedures should be implemented to better exchange and reconcile Coalition Force civilian casualty determinations that significantly differ from the civilian casualty figures reported by non-enemy sources?
- For US Forces operating in Afghanistan:

(b)(1)1.4a

- b. (U//~~FOUO~~) Per recent SecDef guidance dated 17 September 2008, all future investigations into disputed civilian casualties will be conducted as joint U.S. / GIRoA efforts whenever possible (Exhibit AA).
- c. (U//~~FOUO~~) Recommend CENTCOM publish guidance directing future investigating officers to work with appropriate IGOs / NGOs to gain any/all information on civilian casualty investigations.



Questions? (U)



UNITED STATES CENTRAL COMMAND
7115 SOUTH BOUNDARY BOULEVARD
MACDILL AIR FORCE BASE, FLORIDA 33621-5101

1 October 2008

MEMORANDUM FOR Acting Commander, United States Central Command

SUBJECT: (U) Executive Summary of AR 15-6 Investigation into new information relative to civilian casualties from engagement by U.S. and Afghan Forces on 21-22 AUG 2008 in Azizabad, Shindand District, Herat Province, Afghanistan.

Ref: (U) AR 15-6, *Procedures for Investigating Officers and Boards of Officers*, dated 2 Oct 2006

1. (U) On 09 September 2008, I was appointed to conduct an AR 15-6 inquiry into new information surrounding civilian casualties in Azizabad on 21-22 August 2008. This memorandum provides an executive summary of the detailed facts, findings and recommendations in the attached investigation report.
2. (U//~~FOUO~~) **BLUF.** The allegations that U.S. or Afghan Forces committed violations of the Rules of Engagement or the Law of War during the 21-22 August 2008 fire fight in Azizabad that allegedly resulted in the death of approximately 90 civilians are unsubstantiated. Our investigation determined approximately 55 persons were killed (33 civilians and 22 Anti-Coalition Militants (ACM)).
3. (U) **FIVE Ws.** Who: U.S. and Afghan forces. What: Demonstrated due diligence in engaging positively identified, hostile ACM with close air support (CAS) and small arms. When: The night of 21-22 August 2008. Where: Azizabad, Shindand District, Herat Province. Why: Intelligence indicated that an ACM Commander and 20-30 fighters were holding a Shura in Azizabad.
4. (U//~~FOUO~~) **SUMMARY OF EVENTS AS THEY OCCURRED.** Based on credible information, U.S. and Afghan Forces executed an operation to capture/kill a High Value Individual. After receiving fire on infiltration, U.S. and Afghan Forces engaged hostile ACM positions with a combination of small-arms fire, crew served weapons and CAS assets. During the operation, the Ground Force Commander, delegated his authorities to the On-Scene-Commander (OSC), due to the OSC's "situational awareness" of the battlefield. Working with the AC-130H crew, the OSC established positive identification of legitimate targets prior to engagement. Unfortunately and unknown to the U.S. and Afghan Forces, the ACM chose fighting positions in close proximity to civilians.
5. (U) **EVIDENTIARY SUPPORT.** This investigation report contains 28 interviews resulting in more than 20 hours of recorded testimony from Afghan government officials, Afghan village elders, officials from IGOs/NGOs, US and Afghan service members, 236 documents and 11 videos.

SUBJECT: Executive Summary of investigation of possible civilian casualties during a Coalition operation in Azizabad, Shindad District, Afghanistan on 21-22 August 2008

6. (U) DIRECTED FINDINGS.

a. (U) (2.a) How many persons were killed and/or wounded as a result of this combined operation?

(U) **Finding:** Approximately 55 individuals were killed during the operation (22 ACM and 33 civilians).

(1) (U) How many of these persons were women and/or children?

(U) **Finding:** Of the 33 civilians believed killed during the fighting, we were only able to identify or discern from the videos a minimum of eight (8) men, three (3) women and 12 children.

(2) (U) How many of these persons can be reliably determined to be enemy combatants?

(U) **Finding:** 22 ACM were killed in the engagement.

b. (U) (2.b) Aside from the CJTF-101 investigation, have any other investigations been conducted with respect to the subject operation?

(U) **Finding:** UNAMA, GIRoA provided summarized reports. AIHRC provided evidentiary pieces, and the ICRC was allegations only. Additionally, due to primarily relying on villager statements, limited forensics, and no access to a multi-disciplined intelligence architecture, their reports lack independent evidence to support the allegations of higher numbers of civilian casualties.

(1) (U) If so, you will obtain copies of such investigations and determine their validity.

(U//~~FOUO~~) **Finding:** We received copies of all available investigations. The AIHRC will not release an early version of their report that is scheduled for release on 15 October 2008. The validity of the investigations provided by these organizations are in question. The investigations did not provide independent evidence of higher civilian casualties, predominantly relied on inconsistent villager statements and a "blood soaked rug", their casualty lists relied mainly on one source, and the evidence was tainted by alleged witnesses' interests in seeking financial, political, and/or survival agendas. Additionally, no forensics was conducted and their claims were not supported by graves, video or intelligence.

c. (U) (2.c.) Have lists of the dead and wounded been compiled in connection to the subject operation?

(U) **Finding:** Yes. Lists were compiled from UNAMA, AIHRC, GIRoA, ICRC.

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(1) (U) If so, obtain copies of the lists and determine their validity.

(U) **Finding:** Civilian casualty lists were compiled but judged to be invalid due to investigative shortfalls, and Afghan cultural realities such as no recent census, birth/death certificates and inconsistent burial evidence. See the immediately preceding finding.

(2) (U) When (and to whom) were any such lists provided (e.g., GIRoA and/or UNAMA officials; local civic or religious leaders; members of the news media, etc.)?

(U) **Finding:** The four lists we received were provided by the Azizabad villagers or through the Herat Provisional Delegation on or about 25 September 2008 to AIHRC, ICRC, GIRoA and UNAMA. The first three lists are identical and the UNAMA list is a close derivative (82 out of the 89 claimed matched) – the deviation cannot be explained.

d. (U) (2.d) Were any photographs or video images made with respect to possible casualties that may have resulted from the subject operation?

(U) **Finding:** Yes, photographs taken after the engagement by U.S. forces were obtained along with 11 videos. All appear to be valid reference geographic locations but claims from their content can't be substantiated. Photographs: U.S. Forces photos, Videos: total of 11 - Fox News videos (raw footage (1) and edited (1)), AIHRC provided seven (7) videos UNAMA provided four (4) videos; two (2) were duplicates of AIHRC submissions.

(1) (U) If so, obtain copies of the photographs and videos and determine their validity?

(U) **Finding:** Photographs and videos appear to be valid reference geo-specific location confirmed by on-site inspection, but we cannot substantiate claims (lists of 90 persons) derived from videos content.

(2) (U) When (and to whom) were such images shown and/or provided to other persons (e.g., GIRoA and/or UNAMA officials; local civic or religious leaders; members of the news media, etc.)?

(U) **Finding:** Approximately 24 August 2008 and provided to at least UNAMA, AIHRC, GIRoA and selected media outlets.

e. (U) (2.e) When, where, and by whom, was any medical attention or care provided to those who may have been killed or wounded as a result of the subject operation?

(U) **Finding:** The two (2) wounded on the objective were treated by U.S. Forces (as shown by U.S. and Afghan Force statements, U.S. Forces' photos, IGO reports and Fox News video). The wounded were initially transported to FOB Thomas for follow-on treatment, then to the Herat PRT where the female child died. Although UNAMA claims nine (9) superficially wounded

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treated at the Shindand Hospital, according to a local doctor - no civilians were treated at the Shindand Hospital or on site after the engagement.

(1) (U) Were any inquiries, determinations, and/or reports made by medical care providers as to the extent and particulars of any casualties that resulted from the subject operation?

(U) **Finding:** Yes.

(2) (U) When (and to whom) was such information reported and/or provided to other persons (e.g., GIRoA and/or UNAMA officials; local civic or religious leaders; members of the news media, etc.)?

(U) **Finding:** 25 August 2008, UNAMA.

f. (2.f.) (U) How long did it take to recover casualties/remove rubble from the area of the subject operation?

(U) **Finding:** Majority of the deceased removed from the rubble 22 - 23 August 2008.

(1) (U) Where and when were any deceased persons buried?

(U//~~FOUO~~) **Finding:** Since 24 June 08, 48 graves in a 20km radius from Azizabad (of 150 gravesites, 11 were active gravesites). The distribution of the 48 individual graves are 18 graves in Azizabad, 17 graves in Raza Shariff, four (4) graves in the Azizabad madrassa, two (2) graves in Kanak, and seven (7) single graves in seven (7) gravesites. According to the General Director of the Haj, in the GIRoA, all casualties in this incident would have been buried one body per grave.

(2) (U) Where and when were any remains placed for open viewing prior to the burial?

(U) **Finding:** On or about 22 - 23 August 2008 in the Azizabad mosque.

g. (2.g.) (U) What was the extent of any efforts made by the U.S. and/or GIRoA military personnel to determine the number of persons who may have been killed and/or wounded as a result of the operation?

(U) **Finding:** 29 August 2008, CJTF-101 informal investigation was completed.

(1) (U) What was the extent of any such effort with respect to determining how many of the dead or wounded may have been women and/or children?

(U) **Finding:** The U.S. Force investigation determined approximately two (2) females, four (4) children.

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h. (U) What, if any, measures have been taken to offer any condolence payments or other payments to any surviving casualties or the families of any deceased persons resulting from the subject operation?

(U) **Finding 1:** No condolence payments have been made by U.S. Forces.

(U) **Finding 2:** The GIRoA paid \$2000 USD to each family of the alleged 90 civilians killed, \$1000 USD for each person wounded, plus government sponsored trip to the Haj. According to the UNAMA investigation, GIRoA official, Minister of Haj and Islamic Affairs Nmatullah Sharrani paid a total of 9,300,000 Afghanis to Azizabad Elders.

7. ADDITIONAL FINDINGS:

a. (U) **Finding:** U.S. and Afghan Forces did not commit any violations of the Law of War or Rules of Engagement. The use of force was in self-defense, necessary and proportional based on the information the On-Scene-Commander had at the time.

b. (U) **Finding:** There a planned ceremony in Azizabad to commemorate the death of Timor Shah scheduled for 22 August 2008.

(b)(3) 50 USC 3024(i)

e. (U) **Finding:** Most likely, some of the ACM in Azizabad were also security contractors for Armor Group. Due to airfield expansion, Armor Group was forced to sub-contract. Armor Group issued sub-contractors old uniforms; the sub-contractor may not have had tight controls on sensitive items (weapons, uniforms, IDs). Additionally, there has been historical precedence of Armor Group employees "moonlighting" for Reza Khan as security. If discovered, the employees found "moonlighting" were fired, per Armor Group policy.

f. (U) **Finding:** There were contracted demining operations conducted in vicinity of Shindand Airfield run by Armor Group Mine Actions for which some of their employees were residents of Azizabad. Demining employees were not allowed to take mines or equipment off-site and the demined munitions from the Shindand Airfield were all anti-personnel mines not anti-tank mines found by U.S. Forces after the operation.

8. RECOMMENDATIONS.

a. **Recommendation:** (U) In order to preserve the evidence following a military operation, U.S. Forces will attempt to comprehensively document casualties, communicate the facts and

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evidence to GIRoA, IGOs, and NGOs; conduct Key Leader Engagements / Shuras, make solatia payments as appropriate, and coordinate immediate humanitarian assistance support.

b. **Recommendation:** (U//~~FOUO~~) All future investigations into disputed civilian casualties will be conducted as joint U.S. / GIRoA efforts whenever possible.

c. **Recommendation:** (U//~~FOUO~~) In civilian casualty investigations, direct investigating officers to work with appropriate IGOs / NGOs to gain any / all information.

9. (U) The POC for this action is the undersigned.



MICHAEL W. CALLAN
Brig Gen, USAF
Investigating Officer

~~SECRET/NOFORN~~

UNITED STATES CENTRAL COMMAND
7115 SOUTH BOUNDARY BOULEVARD
MACDILL AIR FORCE BASE, FLORIDA 33621-5101

1 October 2008

MEMORANDUM FOR Acting Commander, United States Central Command

SUBJECT: ~~(S//REL-ACGU)~~ Findings and Recommendations of AR 15-6 Investigation into new information relative to civilian casualties from engagement by MSOT 873, SFODA 7326 and 207 Afghan Commandos on 21-22 AUG 2008 in Azizabad, Shindand District, Herat Province, Afghanistan.

Ref: (U) AR 15-6, *Procedures for Investigating Officers and Boards of Officers*, dated 2 October 2006

1. (U//~~FOUO~~) On 9 September 2008, I was appointed to conduct an AR 15-6 inquiry into new information surrounding civilian casualties in Azizabad on 21-22 August 2008. I have conducted a thorough investigation of the circumstances surrounding this event. My observations, conclusions and recommendations are provided in the following format: investigation overview, summary of events, findings and recommendations.

2. (U) **INVESTIGATION OVERVIEW.**

a. (U//~~FOUO~~) I conducted interviews of over 28 personnel amounting to over 20 hours of sworn testimony from individuals belonging to CJSOTF-A, investigators from UNAMA, AIHRC and ICRC, GIRoA officials, Azizabad village elders and the program managers for Armored Group, the British security and de-mining contractor based out of the Shindand Airfield. In addition, I reviewed 236 documents to include the investigations from UNAMA and GIRoA, preliminary findings from the AIHRC and allegations from the ICRC.

b. ~~(S//NF)~~ Of note, I reviewed 130 classified documents (b)(1)1.4c (b)(1)1.4c relating to Operation COMMANDO RIOT. These classified documents were very useful in corroborating the physical evidence of actual recent graves, grave sites and the results of video exploitation. I obtained and reviewed a total of 11 videos; two (2) by Fox News reporter Oliver North and cameraman Chris Jackson, seven (7) provided to us by AIHRC and four (4) from UNAMA (two (2) UNAMA videos were identical to those provided by AIHRC). I conducted a physical reconnaissance of the objective area in Azizabad, specifically the mosque alleged to have held civilian casualties in the various videos circulated. My reconnaissance included the original target house, all structures damaged or destroyed by coalition fires and I visited two (2) grave sites local to Azizabad. As directed, I have provided a chronological record of events at Exhibit D as I determined them to have taken place.

c. ~~(S//FVEY)~~ Additionally, I have reviewed the previous Operation COMMANDO RIOT AR 15-6 conducted by (b)(3)130b, (b)(6) from CJSOTF-A, the investigation from UNAMA, the investigation from GIRoA, pieces of the ongoing AIHRC investigation and allegations from

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ICRC, the 11 videos circulated, as well as documents pertaining to the planning, execution and exploitation of Operation COMMANDO RIOT. All of these documents may be found in the table of contents, and/or are presented as facts in this investigation report and referred to throughout the findings and recommendations. (I also reviewed the Reaper Video at Enclosure O to Attachment 1, but the poor quality made it of little value to our investigation).

3. (U) SUMMARY OF EVENTS AS THEY OCCURRED.

a. ~~(S//NF)~~ Operation COMMANDO RIOT was a Level II CONOP to capture/kill ACM IED facilitator MULLAH SEDIQ, a TF-45 nominated ISAF JPEL target (Exhibit BB & Enclosure E to Attachment 1). (b)(1)1.4c

(b)(1)1.4c

(b)(1)1.4c MULLAH SEDIQ, (b)(1)1.4c

of Azizabad (Exhibit U). MULLAH SEDIQ was a time sensitive target (TST) who normally operated in the Farah Province (Exhibit 5). (b)(1)1.4c

(b)(1)1.4c MULLAH SEDIQ was to travel to Azizabad to attend a 22 August 2008 ceremony commemorating the death of TIMOR SHAH, a family member and brother of REZA KHAN killed by a rival clan some nine (9) months prior. In addition to this ceremony, MULLAH SEDIQ was to attend an ACM meeting in Azizabad on the evening of 21 August 2008 (Exhibit 5).

b. ~~(S//NF)~~ (b)(1)1.4c that MULLAH SEDIQ was in Azizabad at the home of REZA KHAN, ODA 7326/MSOT 873 received final CONOP approval for the execution of Operation COMMANDO RIOT from ISAF's DCOS OPS (Exhibits 1, 5 & 6). The operation would be conducted by approx 80 personnel (44 Afghan Commando's, 35 USSOF, four (4) interpreters, two (2) embedded Fox News members, one (1) public affairs representative (b)(1)1.4c (Enclosures E & F to Attachment 1). The Main Effort (ME) led by MSOT 873 would infiltrate via indigenous vehicles, followed by the Supporting Elements (SE) of ODA 7326 and Afghan Commandos 10 minutes behind in conventional tactical vehicles. Additionally, a USAF AC-130H Gunship was assigned to the mission and was on-station at the time the force departed Forward Operating Base (FOB) Thomas, plus an MQ-9 Reaper was to join the mission approximately one (1) hour later. The ME received fire upon infiltration and immediately dismounted to advance toward the target house. The ME discovered the avenue of approach to the objective was blocked by an obstacle (a large water truck) and covered by heavy and accurate fire from at least two directions. The enemy's positional advantage from rooftops enabled them to deliver fire that wounded the team's GySgt in the stalled attack. Effectively pinned, the ME took cover in a nearby building and continued to return fire throughout this engagement with small arms but was unable to achieve fire superiority (Exhibits 1, 2, 12 & Enclosures 2, 8, 10 to Attachment 1).

c. ~~(S//NF)~~ With the ME pinned and enemy maneuvering to the flanks of the pinned unit and the Supporting Efforts (SEs) still minutes away, the On-Scene-Commander (OSC) (b)(3)130b, (b)(6) (b)(3)130b, (b)(6) employed fires from the supporting AC-130H to provide covering fire onto the

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primary target house and allow the ME to disengage and consolidate in a more defensible position. Given the high volume of fire emanating from several directions and reports of enemy reinforcements maneuvering to gain positions of tactical advantage the OSC employed his organic small arms and directed the fires of the AC-130H after having established PID of legitimate targets and eliminated enemy fire and movement. Over the next one and half hours the ME made several abortive attempts to move forward to the target building before coming under automatic weapons fire. In each case, PID was established and the AC-130H continued 40mm and 105mm fire and the MQ-9 Reaper delivered one (1) GBU-12 (500lb LGB), in order to eliminate the threat. This continued until all enemy fire and movement was eliminated and the USSF/ANA CDO elements secured the objective. Unfortunately and unknown to the Coalition Forces, the ACM chose fighting positions in close proximity to civilians (Exhibits 1, 2, 3, & 4).

d. ~~(S//NF)~~ In the wake of Operation COMMANDO RIOT casualty claims ranged from the USSF estimate of 30-35 ACM KIA, six (6) civilians killed and 1 wounded to the UNAMA, ICRC, AIHRC and GIRoA claims of 89-91 civilians killed. Additionally, there was a swirl of various themes and theories offered by villagers and GIRoA and echoed in the media claiming the ACM killed were actually employees of Armor Group, a British owned contract security company operating from nearby Shindand Airfield thus explaining the number of weapons and the presence of anti-tank mines on target. There were also claims by the GIRoA that there had never been an ACM meeting and that USSF had been duped into executing the operation by clan-on-clan motives. Additional claims stated the ACM Shura was simply family members gathering the night before to make preparations for the 22 August 2008 TIMOR SHAH commemoration ceremony. My investigation found that while a thread of truth to the various themes and theories may be found, they are disingenuous, without merit, and concretely disputed by the evidence presented in my findings (Exhibits J, M, N, O, P, 17, 18, 19, & 20).

4. (U) DIRECTED FINDINGS.

a. (U) (2.a) How many persons were killed and/or wounded as a result of this combined operation?

~~(S//NF)~~ **Finding (2.a.):** Following clearing of all objective buildings, Sensitive Site Exploitation (SSE) began and lasted for approximately three-four (3-4) hours (Exhibit 26). The results of the SSE are documented in Exhibit F. The SSE revealed seven (7) ACM KIA, five (5) civilians killed and two (2) civilians wounded. The two (2) wounded civilians were treated on-site, transported back to FOB Thomas for follow-on transport to the Herat Provincial hospital (at which time one (1) of the civilians (a child)) died, raising the total civilians killed to six (6) (Exhibit 7 & Enclosure 7 to Attachment 1). Following the operation, (b)(1)1.4c 22 named ACM were killed in Operation COMMANDO RIOT (Exhibit G). (b)(1)1.4c that 56 casualties were killed during the mission and indicated that 17 ACM had been removed from the objective area on the morning of 22 August 2008 (Exhibits H & Q). (b)(1)1.4c the maximum of 42 graves fell within a 20KM radius of Azizabad (Exhibit I). New information began to surface quoting GIRoA officials and selected Non-Governmental Organizations (NGO's) that show a significant increase in the number of civilians killed during Operation

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COMMANDO RIOT. Specifically, the United Nations Assistance Mission Afghanistan (UNAMA) gathered villager statements that indicated 13 civilians had been discovered in post-operations rubble on 23 August 2008 (Exhibits J & 23). Also, UNAMA provided a video filmed in the Azizabad mosque from the Herat Provincial Government (TAB V) which after video exploitation provided by CJTF-101 indicated a minimum of three (3) ACM KIA and 20 civilians killed (23 total, Exhibit K). With 22 ACM KIA (TAB O) and 20 civilians killed, this leaves 42 killed. 42 killed + the 13 "post-operations rubble" civilians, yields 55 killed (which supports three intelligence sources stating 56 were killed). Given that no forensic investigation could be reasonably done under the circumstances, we judge that approximately 55 persons were killed. Finally, CJSOTF-A confirmed one (1) wounded (Enclosure 12 to Attachment 3 & Exhibits F & 7), but UNAMA claimed nine (9) possible wounded with superficial wounds (Exhibits J & 7).

(1) (U) How many of these persons were women and/or children?

(U) **Finding:** (U) Of the 33 civilians believed killed during the fighting, we were only able to identify or discern from the videos three (3) women and 12 children (Exhibits F, K, & Enclosure 8 to Attachment 3).

(2) (U) How many of these persons can be reliably determined to be enemy combatants?

~~(S//NF)~~ **Finding:** According to two intelligence sources and SSE - 22 ACM were killed in the engagement. One of the sources provided a list of names of those fighters killed (Exhibits F, G & H).

b. (U) (2.b) Aside from the CJTF-101 investigation, have any other investigations been conducted with respect to the subject operation?

(U) **Finding:** UNAMA, GIRoA provided summarized reports (Exhibits J & N). AIHRC provided evidentiary pieces (Exhibit M), and the ICRC provided allegations only (Exhibit O). Additionally, due to primarily relying on villager statements, limited forensics, and no access to a multi-disciplined intelligence architecture, their reports lack independent evidence to support the allegations of higher numbers of civilian casualties.

(1) (U) If so, you will obtain copies of such investigations and determine their validity.

~~(S//NF)~~ **Finding:** The investigation team received copies of all available investigations. The AIHRC will not release an early version of their report that is scheduled for release on 15 October 2008 (Exhibit 20). The validity of the investigations provided by these organizations and the GIRoA are in question. The investigations did not provide independent evidence of higher civilian casualties, predominantly relied on inconsistent villager statements and a statement that a "blood soaked rug" validated claims of 90 dead (Exhibit S). The casualty lists provided by ICRC, GIRoA and AIHRC were identical and were primarily derived from a single source - (b)(1)1.4c, (b)(6) (Enclosure 1 to Attachment 2, page 4). The UNAMA report differed only slightly. The evidence presented was tainted by alleged witnesses' interests in seeking political,

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financial and in many cases, their own survival (Enclosures 2 & 3 to Attachment 2, and Exhibit Y). Additionally, no forensic procedures were conducted and death toll claims were not supported by graves, video or intelligence (Exhibit J & Enclosures 1, 2 & 3 to Attachment 2).

c. (U) (2.c.) Have lists of the dead and wounded been compiled in connection to the subject operation?

(U) **Finding:** Yes. Lists were compiled from UNAMA, AIHRC, the GIRoA, and ICRC (Exhibits J, M, N & O).

(1) (U) If so, obtain copies of the lists and determine their validity.

(U) **Finding:** Civilian casualty lists were compiled but were judged to be invalid due to investigative shortfalls, and Afghan cultural realities such as no recent census, birth/death certificates and inconsistent burial evidence. See the preceding finding in 2.b that addressed the reports validity.

(2) (U) When (and to whom) were any such lists provided (e.g., GIRoA and/or UNAMA officials; local civic or religious leaders; members of the news media, etc.)?

(U) **Finding:** The four lists we received were provided by the Azizabad villagers or through the Herat Provisional Delegation on or about 25 September 2008 to AIHRC, ICRC, GIRoA and UNAMA. The first three lists are identical and the UNAMA list is a close derivative 82 out of the 89 claimed matched – the deviation cannot be explained (Exhibits J, M, N and O).

d. (U) (2.d) Were any photographs or video images made with respect to possible casualties that may have resulted from the subject operation?

(U) **Finding:** Yes, photographs from the Sensitive Site Exploitation (SSE) were obtained along with 11 videos. All appear to be valid reference geographic locations but claims from their content can not be substantiated. Photographs: CJSOTF-A SSE (Exhibit F), Videos: total of 11: Fox News videos (raw footage (1) and edited (1)), AIHRC provided seven (7) videos UNAMA provided four (4) videos; two (2) were duplicates of AIHRC submissions (Attachment 3).

(U) **Finding:** Yes, the investigation team was provided both photographic and video information from the CJSOTF-A SSE (Exhibit F), Fox News (2 videos), AIHRC (7 videos) and UNAMA (4 videos, but 2 were identical to those provided by AIHRC) yielding 11 total. Reference photographs, the CJSOTF-A SSE photo's included photographs of ACM killed, weapons, IDs, cell phones, etc. The collection of materials by the CJSOTF-A was on public display that members of the media and GIRoA officials witnessed (Exhibit F & Enclosure 1-13 to Attachment 3).

(U) Reference the videos; the investigation obtained a total of 13 videos (2 of which were identical so really 11 in total): AIHRC provided 7 videos (Enclosure 1-7 to Attachment 3). The

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first video depicts a bulldozer/back hoe being used in the village to allegedly recover casualties from Operation COMMANDO RIOT (Enclosure 1 to Attachment 3). The second video depicts one individual being buried (Enclosure 2 to Attachment 3). The third video (also referred to as the Doctor cell phone video) depicts alleged dead bodies in the Azizabad Mosque (Enclosure 3 to Attachment 3). The fourth video depicts alleged dead bodies outside the mosque (Enclosure 4 to Attachment 3). The fifth video depicts a gravesite (Enclosure 5 to Attachment 3). The sixth video depicts a dinner being held at the alleged home of Reza Khan (the owner of the home that the Taliban Shura was conducted, (b)(1)1.4c, and killed on the objective) with unidentified members (Enclosure 6 to Attachment 3). The seventh video depicts alleged bodies being removed from the Azizabad Mosque (Enclosure 7 to Attachment 3).

(U) UNAMA provided four videos to the investigation (2 of which were identical to those provided by AIHRC so in essence, just 2 videos) (Enclosure 8-11 to Attachment 3). The first video depicts the Herat Provincial Government Film of alleged bodies located in the Azizabad Mosque (Exhibit K). The second video depicts the Afghanistan National Army video. The third video (identical to the AIHRC provided video), depicts alleged bodies being removed from the Azizabad Mosque (Enclosure 7 to Attachment 3). The fourth video (identical to the AIHRC provided video), shows alleged bodies in the Azizabad Mosque (Enclosure 3 to Attachment 3).

(U) Fox News provided 2 videos. One video was of their "raw footage" from Operation COMMANDO RIOT that was filmed while one reporter and one cameraman were embedded with the SE forces. The second video was a fairly short news report that was filmed on the objective and was designed to report the unclassified details of Operation COMMANDO RIOT back to Fox News for public transmission (Enclosure 12-13 to Attachment 3); (Also see Enclosure K to Attachment 1).

(1) (U) If so, obtain copies of the photographs and videos and determine their validity?

(U) **Finding:** Photographs and videos appear to be valid reference geo-specific location confirmed by on-site inspection, but we cannot substantiate claims (lists of 90 persons) derived from videos content (Exhibit K).

(2) (U) When (and to whom) were such images shown and/or provided to other persons (e.g., GIRoA and/or UNAMA officials; local civic or religious leaders; members of the news media, etc.)?

(U) **Finding:** Approximately 24 August 2008 and provided to at least UNAMA, AIHRC, GIRoA and selected media outlets (Exhibits J, M, N, O, 17 and 18).

e. (U) (2.e) When, where, and by whom, was any medical attention or care provided to those who may have been killed or wounded as a result of the subject operation?

(U) **Finding:** During the SSE phase of Operation Commando Riot USSF and ANA Commandos recovered two local nationals, one (1) adult female and one (1) female child that were partially

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buried in rubble vicinity of building 2 per the Grid Reference Graphic (GRG) (Exhibit E). These two (2) wounded civilians were treated at the point of injury by CJSOTF-A and ANA medics and evacuated to FOB Thomas by ground MEDEVAC and stabilized (Exhibits 26, F, J, O, & Enclosure 12 to Attachment 3). The two victims were then transferred by a Herat Provincial Reconstruction Team (PRT) MEDEVAC helicopter to the Herat PRT clinic (AKA Spanish Hospital). The female child unfortunately later succumbed to her injuries and died in the next few hours (Attachment 1 and Exhibit J).

(U) Although UNAMA claims nine (9) superficially wounded treated at the Shindand Hospital, the local doctor in charge of the Shindand Hospital stated that no civilians were treated at the Shindand Hospital or onsite after the engagement (Exhibits 24 & 29). Records from the Shindand and the Herat PRT were requested but never received (Exhibit J).

(1) (U) Were any inquiries, determinations, and/or reports made by medical care providers as to the extent and particulars of any casualties that resulted from the subject operation?

(U) **Finding:** Yes (Exhibit 29 & Enclosure 7 to Attachment 1).

(2) (U) When (and to whom) was such information reported and/or provided to other persons (e.g., GIRoA and/or UNAMA officials; local civic or religious leaders; members of the news media, etc.)?

(U) **Finding:** 22 August 2008, CJSOTF-A personnel reported the event to local national media during the FOB Thomas SSE display (Enclosure M to Attachment 1); and 25 August 2008, UNAMA (Exhibit J).

f. (2.f.) (U) How long did it take to recover casualties/remove rubble from the area of the subject operation?

(U) **Finding:** Majority of the deceased removed from the rubble 22 August 2008; remaining on 23 August 2008. In addition, video obtained from AIHRC confirms that local nationals employed a small backhoe to excavate rubble (Exhibits F, J, P and 17, Enclosure 1 to Attachment 3).

(1) (U) Where and when were any deceased persons buried?

~~(S//NF)~~ **Finding:** [REDACTED] 150
(b)(1)1.4c
gravesites, 11 of which were active between 24 June 2008 and 10 September 2008. This analysis determined the existence of 48 new graves (Exhibit I). Distribution of 48 graves was 18 in Azizabad, 17 graves in Raza Shariff, four (4) graves at the Azizabad Madrassa, two (2) graves in Kanak, seven (7) single graves in seven (7) separate gravesites.

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~~(S//NF)~~ A combination of (b)(1)1.4c 38 dead buried vicinity Azizabad as a result of Op CDO RIOT (33 Civilian and 5 "local" ACM). (b)(1)1.4c that 17 ACM KIA were removed from the Azizabad area for burial in Farah Province and outside of the 20KM radius centered on Azizabad (Exhibits G, H, I, & L).

~~(S//FVEY, RELID)~~ The Azizabad Elders made claims to UNAMA investigators that multiple persons were buried in each grave, specifically, that three (3) people were buried in the each of the claimed 23 graves. When confronted with the fact that 3 x 23 equals 69, well short of the claim of 90, the villagers changed their claim to four (4) people in each grave (Exhibit R). The Azizabad elders' claim of multiple persons buried in each grave is further disputed by the GIRoA General Director of Haj who states that IAW Muslim law, 1 grave equals 1 person. Azizabad would have had no exceptions to this rule. There are three exceptions: 1) the ground is too hard or you have no means to make graves, 2) there is not enough ground, and 3) there are not enough human resources to make the graves. The General Director stated that they had enough people from their village and neighboring villages, and as discussed above, the villagers had a backhoe. (Exhibits 23, 27, J & S).

(2) (U) Where and when were any remains placed for open viewing prior to the burial?

(U) **Finding:** That on or about 22 – 23 August 2008, human remains were displayed inside the mosque in Azizabad (building 49 per the gridded reference graphic (GRG)). Supporting evidence is found in villager testimony, the results of UNAMA, AIHRC and GIRoA investigations, the ICRC inquiry and four (4) separate videos. However, video exploitation accounts for only 23 dead in the mosque, (Exhibits E, J, M, N, O and Enclosures 3, 4, 8, 9 to Attachment 3).

g. (2.g.) (U) What was the extent of any efforts made by the U.S. and/or GIRoA military personnel to determine the number of persons who may have been killed and/or wounded as a result of the operation?

(U) **Finding:** 22 August 2008, CJSOTF-A investigator, (b)(3)130b, (b)(6), directed to initiate informal investigation; 29 August 2008 investigation completed. Investigation determined that 30-35 ACM KIA and six (6) civilian killed. This estimate is based on SSE on the objective, AC-130H MISREP and (b)(1)1.4c centering on Azizabad (Exhibits F, I & Enclosure M to Attachment 1).

(U) 31 August 2008, CJTF-101 reviewed and approved the investigation (Attachment 1).

(U) 01 September 2008, ISAF legal assessment completed and approved (Attachment 1).

~~(S//NF)~~ 22 August 2008, (b)(1)1.4c ANA initiated investigation. (b)(6), an intelligence officer based in Herat visited Azizabad and determined that all 90 KIA were ACM or their associates and thus no compensation would be offered. (b)(6) was chased from the

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town and the local ANP station was burned. There is no evidence that (b)(6) inspected or counted bodies (Exhibits R and S).

(1) (U) What was the extent of any such effort with respect to determining how many of the dead or wounded may have been women and/or children?

~~(S//NF)~~ **Finding:** The CJSOTF-A investigation expanded on the SSE; two (2) females, four (4) children (Attachment 1); the ANP investigation did not distinguish ACM personnel as male, female or children (Exhibit R).

h. What, if any, measures have been taken to offer any condolence payments or other payments to any surviving casualties or the families of any deceased persons resulting from the subject operation?

(U) **Finding 1:** No condolence payments have been made by Coalition Forces (unrecorded statement by CDR CJSOTF-A). During discussions with (b)(3)130b, (b)(6), he explained that he would not make any condolence or solatia payments until the conclusion of all investigations, when he could determine who should receive payment.

(U) **Finding 2:** The GIRoA paid \$2000 USD to each family of the alleged 90 civilians killed, \$1000 USD for each person wounded, plus government sponsored trip to the Haj (Exhibits J and S). According to the UNAMA investigation, GIRoA official, Minister of Haj and Islamic Affairs (b)(6) paid a total of 9,300,000 Afghanis to Azizabad Elders ((b)(6) is one of the reps who received money) (Exhibit J).

4. (U) **ADDITIONAL FINDINGS.**

a. (U) **Additional Finding:** Coalition Forces did not commit any violations of the Law of War or Rules of Engagement. The use of force during the 21-22 AUG 08 engagement in Azizabad, Herat Province, Afghanistan was in self-defense and was necessary and proportional based on the information the on scene commander had at the time.

(1) Analysis: The ICRC alleges that the Coalition attack on Azizabad was without military necessity; failed to properly distinguish between civilians, civilian property and combatants; and was dis-proportional in that the loss of civilian life or property outweighed the military advantage gained.

(a) Per Joint Pub 1-02, "rules of engagement (ROE) are directives issued by competent military authority that delineate the circumstances and limitations under which U.S. forces will initiate and/or continue combat engagement with other forces encountered." In other words, ROE are the commander's rules for the use of force. As such, they are broken down into two categories: mission accomplishment and self-defense. Authority to use force in mission accomplishment will be limited under applicable ROE, but such limitations have no impact on a commander's inherent right and obligation to exercise unit self-defense. Distinction between use

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of force for mission accomplishment and use of force in self-defense, and between offensive and defensive operations, may vary based on the circumstances on the ground.

(i) The ROE document for US Operation Enduring Freedom (OEF) in Afghanistan - USCENTCOM Consolidated ROE MOD 002 152307Z DEC 06 (Exhibit V), reflects the authorized measures delegated by the President and Secretary of Defense for the prosecution of OEF, as well as the self-defense concepts articulated in the Annex A of the Standing Rules of Engagement for U.S. Forces, (SROE) 13 June 2005, (Exhibit W), which states "the commander's inherent authority and obligation to use all necessary means available and to take all appropriate action in self-defense of the commander's unit" This refers to the SROE for specific guidance on the use of self-defense.

(ii) Self-defense is triggered under two circumstances: first, when US forces are subject to hostile acts (an attack or other use of force against US Forces or force used to impede the mission of US Forces); or second, hostile intent (the threat of imminent use of force against US Forces). In this case, the unit was subject to hostile acts because they were subject to attacks by a declared hostile force that was also impeding the unit from accomplishing its mission to capture/kill Mullah Sediq.

(iii) The SROE as well as the DOD Law of War Program (DODD 2311.01E) specifically provide that "US Forces will comply with the Law of Armed Conflict (War) during military operations involving armed conflict no matter how the conflict is characterized under international law..." It also states that "all necessary means available and all appropriate actions may be used in self-defense." Further, the SROE provides "guidelines" for the use of self-defense and requires commanders to comply with the Law of War. Two guidelines, necessity and proportionality are also required in a Law of War analysis¹ and will be discussed below.

(iv) Use of force for mission accomplishment: The mission, concept of operations and initial actions at the objective were all within the OEF ROE. The target, Mullah Sediq, was a Taliban Commander, and the 20-30 individuals known to be with him were assessed to be Taliban fighters. Therefore, targeting Mullah Sediq for a capture/kill mission, and assaulting his location was within the Law of War, as he was a lawful target as a member of an enemy force conducting a meeting with other commanders and associates also identified as members of that hostile force. Additionally, these actions were also authorized by the OEF ROE since the Taliban is a declared hostile force and the concept of operations as briefed and initially executed was within the authority of the unit commander.

(v) Use of force in self-defense: The use of force in self-defense was also proper in this case. While this operation began as a deliberate assault executed under mission accomplishment ROE, the circumstances on the ground or "troops in contact" situation that developed when the unit encountered a great deal more resistance than initially anticipated, gave

¹ The concepts of necessity and proportionality under the SROE reflect "Principles for Self-Defense." These concepts or principles are consistent and fall within the corresponding concepts found in the Law of War.

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the commander not only the authority, but also the obligation, to use “all necessary means available” to defend his unit. Based on the testimony of the members of the Main Strike Element (MSE), (Exhibits 1, 2, 8, & 12) quickly after the ACM “warning shot”, the 12 Marines were overwhelmed by automatic fire from the surrounding rooftops. (b)(3)130b, (b)(6)’s responsibilities quickly shifted from mission accomplishment to defending his forces. While the troops-in-contact (TIC) situation gives the commander a greater degree of latitude with regard to the use of force under the ROE, he is still bounded by his obligation to abide by the Law of War. As mentioned, during a TIC, the SROE lays out three self-defense principles that should guide that use of force.

- 1) De-escalation. Rule: When time and circumstances permit, the forces committing hostile acts or demonstrating hostile intent should be warned and given the opportunity to withdraw or cease threatening actions. If tactically feasible, US forces must warn and give the ACM an opportunity to withdraw or stop offensive actions. Analysis: When Coalition Forces entered Azizabad and passed the building that had the ACM sentry, they immediately and almost continuously were taking fire from different locations, sometimes simultaneously from three different portions of the town. (Exhibit 1, and the GRG Attachment 1, Enclosure E) It was only after they noticed that the pathway to the objective was blocked and they began receiving constant and effective fire, resulting in the wounding of (b)(3)130b, (b)(6), did they request air support. According to testimony (Exhibits 1, 2, 3, & 4) Coalition forces stopped firing in the belief that the ACM had withdrawn or would cease resistance, but numerous times, the attack on coalition forces resumed. While the CF did attempt to de-escalate, given that the ACM, as Taliban, were a declared hostile force, actively seeking to impede the mission, the principle of de-escalation was not required under these circumstances. Conclusion: I have determined that the US forces attempted to de-escalate in accordance with the SROE guidelines and what was tactically feasible at the time based on the ACM’s continuing to commit hostile acts and exhibit hostile intent.
- 2) Necessity. Rule: Necessity for the use of force under self-defense exists as long as opposing forces continue to commit hostile acts or show hostile intent. Analysis: As stated in the previous paragraph, the ACM, a declared hostile force (Taliban) continued to exhibit hostile acts or intent (maneuver) throughout the engagement. According to (b)(3)130b, (b)(6) and the joint terminal air controller (JTAC), they continued to analyze whether persons identified by the (b)(3)130b, (b)(6), Fire Control Officer (b)(3)130b, (b)(6) and AC-130 Pilot exhibited or continued to exhibit hostile force and hostile intent (Exhibits 1, 2, 3 and 4). As such, these individuals were positively identified² as hostile. According to (b)(3)130b, (b)(6), persons firing on his forces, moving from weapon caches to previously identified firing positions, or attempting to maneuver around his forces were positively identified as hostile and he authorized the

² Under OEF ROE, positive identification or “PID” is a reasonable certainty that the object of attack is a legitimate military target.

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AC-130 to engage. When asked whether he considered withdrawing from the objective – (b)(3)130b, (b)(6) testified that he did not consider withdrawing. He was initially engaged by a large force of ACM was concerned with exposing his forces to fire during a withdraw. Additionally, the combination of the detrimental affect it would have on the morale of his forces as well as the victory the enemy would claim was unacceptable to him. (Exhibit 1) Under the ROE, the commander has no obligation to retreat or withdraw his forces. Conclusion: My belief is that most Commanders would agree with (b)(3)130b, (b)(6)'s assessment. Since the ACM continued to exhibit hostile acts or intent (maneuver) throughout the engagement, there continued to be necessity to engage them.

- 3) Proportionality. Rule: U.S. forces are authorized to use sufficient, decisive force that “may exceed the means and intensity of the hostile act or hostile intent.” Analysis: According to (b)(3)130b, (b)(6) and the JTAC, (b)(3)130b, (b)(6) they did a proportionality analysis based on the information they had available at the time. (Exhibits 1 & 2) (b)(3)130b, (b)(6) knew about a funeral in the town the next day, but believed that on the night of the 21, the Taliban would be conducting a Shura with 20-30 fighters (Exhibits 1 & 5). His planning focused around the objective building where the Shura would take place. Additionally, some of the intelligence information indicted that the Shura would take the women and children would be moved away from the Shura location in Building 1 (Exhibits E & 11). (b)(3)130b, (b)(6) had no other information regarding civilians in the town and according to him; the AC-130 never identified any women and children in and around the objectives and fighting positions (Exhibits 1, 2, 3, & 4). According to the CJSOTF-A Information Paper on mitigating Afghan civilian casualties and property damage, dated 16 May 2007 (Exhibit X), the Target Intelligence Packet should have included “local population dynamics” and a look at “women and/or children in vicinity of the objective area.” From the testimony of (b)(3)130b, (b)(6) and his force, there seems to be an unclear picture of the civilian pattern of life in Azizabad that may have contributed to unclear proportionality assessments once the engagement moved out of the original objective area because of the ACM's maneuvering. It was (b)(3)130b, (b)(6)'s belief that he had encountered 20-30 Taliban fighters and there was some intelligence information that suggested that the engagement areas contained few civilians. (b)(3)130b, (b)(6) believed that his attacks were proportional and the collateral damage was kept low by the use of the AC-130 “precision fires” instead of having to clear houses using MOUT clearing techniques. (Exhibit 1) Conclusion: I believe the (b)(3)130b, (b)(6)'s actions were proportional based on the limited information he had at the time.

(b) The Law of War, or also known as the Law of Armed Conflict (LOAC) or International Humanitarian Law (IHL) encompass all international law for the conduct of hostilities binding on the United States or its individual service members, including treaties and international agreements to which the United States is a party, and applicable customary international law. As stated above, the Law of War is implemented through DoDD 2311.01E,

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and the SROE. US Forces must comply with the Law of War during all armed conflicts and military operations.

(i) The four applicable principles of the Law of War apply to the present case: (1) military necessity, (2) proportionality, (3) distinction or discrimination and (4) the prevention of unnecessary suffering.

(1) Military Necessity. This principle requires a different review than discussed in the SROE self-defense guidelines' above. Rule: Codified in Article 23, paragraph (g) of the Annex to Hague Convention No. IV respecting the Laws and Customs of War on Land, 18 October 1907 (HR 23 (g)) forbids destruction or seizure of the enemy's property "unless such destruction or seizure be imperatively demanded by the necessities of war." Necessity is defined as that force that allows the accomplishment of the mission. Analysis: The mission was to kill or capture Mullah Sediq, a Taliban commander on the ISAF Joint Priority Effects List (JPEL), who according to intelligence reports, would be located in a residence in Azizabad along with 20-30 Taliban fighters (Attachment 1, Encl X). The Coalition forces planned and attempted to use a small force to take advantage of the surprise and to keep the engagement small. Because of the warning, the quick reaction of the ACM, and the location of the water truck blocking the main assault pathway, the mission quickly stalled under concentrated fire and the Coalition forces had to move back under the protection of the close air support (CAS) provided by the AC-130 gunship. (b)(3)130b, (b)(6) decided that in order to protect his forces and accomplish the mission, he would need to employ CAS to eliminate the threat. It is at this time that our analysis requires us to consider two other prohibitions in the law of war – intentionally targeting protected persons or property.

- a. Protected Persons – Rule: The Law of War prohibits the intentional targeting of Civilians. Analysis: According to (b)(3)130b, (b)(6), (b)(3)130b, (b)(6), at no time did he intentionally target civilians. (Exhibits 1, 2, 3, & 4) All targets that he cleared for fires were PID as legitimate military targets as they had displayed hostile acts (firing at Coalition forces) and impeding mission accomplishment, or had been positively identified moving back and forth from weapon caches to firing positions and maneuvering around to gain a tactical advantage over US Forces. Conclusion: I find the testimony of the (b)(3)130b, (b)(6), (b)(3)130b, (b)(6) to be credible, that no civilians were intentionally targeted.

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- b. Protected Places³ – Rule: civilian homes are protected from attack unless they are used for military purposes. Analysis: because the ACM Shura occurred in a building that would normally be protected place, it became a legitimate military target. The other buildings that were struck either had ACM firing from those locations or being used by ACMs for cover and therefore also became legitimate military targets. I believe that the mission was based on actionable intelligence and properly approved through the CONOP approval process and that those building that were struck had lost protective status as they were being used for ACM military purposes. In other words, the Taliban committed a Law of War violation by using protected places for military purposes, thereby forfeiting those protections and exposing civilians to combat activities.
- (2) Proportionality. As with the previous principle, this rule requires a different review than discussed in the SROE self-defense guidelines' above. Rule: the anticipated loss of life and damage to property incidental to attacks must not be excessive in relation to the concrete and direct military advantage expected to be gained. Geneva Protocols of 1977, Additional Protocol I, Article 51(5)⁴. Analysis: as mentioned, (b)(3)130b, (b)(6) both testified that they conducted a proportionality analysis before authorizing each separate strike. (Exhibits 1 & 2) Additionally, (b)(3)130b, (b)(6) testified that he only had historical pattern of life for a typical Afghan town and several witnesses testified that because of the ACM Shura, the women and children would be located outside of the objective. Conclusion: based on the information he had at the time⁵, the On Scene Commander (OSC), correctly conducted proportionality assessments and determined that the incidental and minimal damage to civilian life and property was not excessive to the eliminating the 20-30 ACM fighters and capturing or killing a Taliban Commander who was listed as an HVI from the ISAF JPEL.

³ Civilian objects are protected from intentional attack or destruction, so long as they are not being used for military purposes. Civilian objects may, in such circumstances, become military objectives. The Law of War permits destruction of these objectives if military circumstances necessitate such destruction. (FM 27-10, para 56 and 58).

⁴ Although the United States is not a signatory to Protocol I, the US sees this provision as reflecting customary international law.

⁵ The circumstances justifying destruction of objects are those of military necessity, based upon information reasonably available to the commander at the time of his decision. See IX Nuremberg Military Tribunals, *Trials of War Criminals Before the Nuremberg Military Tribunals*, 1113 (1950). The Tribunal found Gen Rendulic not guilty of unlawfully destroying civilian property through employment of a "scorched earth" policy. The court found that the conditions as they appeared to the commander were sufficient upon which he could honestly conclude that urgent military necessity warranted the decision made.

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- (3) Distinction/Discrimination. Rule: Geneva Protocols of 1977, Additional Protocol I, Article 48, requires combatants to be distinguished from civilians, military objectives from protected property and places. Common violations:
- a. Failure to target specific military objectives. Analysis: In every case, according to (b)(3)130b, (b)(6) Testimony, the Fire Control Officer (FCO) and Pilot would indentify targets and describe their behavior to the OSC through his JTAC. The OSC would then, based on the information provided, decide whether the targets were committing hostile acts or exhibiting hostile intent. Only after this determination would the OSC then declare them a valid military objective/target. If the FCO described a person firing a weapon or maneuvering to get tactical advantage, or attempting to reinforce a position, only then did (b)(3)130b, (b)(6) give his authorization to engage.
 - b. Employ means or methods that cannot or do not discriminate. Analysis: See (4) Below.
 - c. Failure to distinguish between military targets and civilians or civilian property. Analysis: (Exhibits 1, 2, 3 & 4) at one point, in the south of the town, away from the objective, the pilots identified numerous individuals running from building to building. Several were identified as children or little people. (Exhibits 1, 3 & 4) (b)(3)130b, (b)(6) instructed the Gunship to not engage that area and to move there sensors to the north. (Exhibits 1, 3 & 4) Additionally, because of the constant movement and "turkey peaking" of the ACM (Exhibit 2) – the OSC had to rely on the AC-130s sensors for targets. When they would identify individuals standing in doorways or not taking any action that could be considered hostile, the JTAC would ask the FCO to keep the sensors on the person and watch them, but would not ask them to engage (Exhibit 2). Conclusion: At no time in and around the objectives did the FCO or Pilot identify civilians. (b)(3)130b, (b)(6) and his unit made every effort to identify civilians and did not prosecute targets when they could not positively identify targets as hostile. By contrast, it is here that the Taliban clearly violated the Law of War by failing, in their operations to distinguish between their command and control facilities used for military purposes (the Shura) and the civilian nature of the village.
- (4) Humanity or Unnecessary Suffering. Rule: The Law of War required the OSC to employ weapons (means) in a manner (methods) not to cause unnecessary suffering. (HR 23(e)) Analysis: The AC-130 gunship's OPSUM (Attachment 1, Enclosure H), lists 82 rounds of 105 mm, and 242 rounds of 40mm expended, 7 buildings and an estimated 30 enemy killed. According to the evidence, (b)(3)130b, (b)(6) used CAS as his method and means to destroy the enemy. The FCO chose the weapon with which to engage the targets – whether 105 or 40 mm depending where the targets were

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located and the desired effect. (Exhibits 1, 2, 3 & 4) Each time, the AC-130 identified persons committing hostile acts or exhibiting hostile intent, they would notify (b)(3)130b, (b)(6) the JTAC, who would then seek permission from (b)(3)130b, (b)(6) to engage the target. As mentioned above, (b)(3)130b, (b)(6) believed that he would inflict a higher civilian and Coalition forces casualty rate if he cleared the buildings using his ground forces. Conclusion: because of the nature of this combat – the use of homes as firing positions and refuge, the possibility for civilian casualties existed. (b)(3)130b, (b)(6) means for engaging the ACM in Azizabad were not done in a manner to cause unnecessary suffering. In fact, he utilized the most effective means available to decisively neutralize the enemy forces.

ICRC Allegations of Executions. The investigation team did not look into these allegations. According to the testimony of the U.S. Forces – the only shots that were fired during the assault following the CAS, were (b)(3)130b, (b)(6) engagement of a combatant (see Attachment 1 and Enclosure X and Exhibit 12) and as warning shots to other villagers not to approach coalition forces (Exhibit X).

ICRC Allegations of Theft. The investigation team did not look into these allegations. Coalition Forces, during the SSE did confiscate some personnel property and money from the homes of the residents of Azizabad who were connected to the ACM and had fired on the Coalition Forces. The complete list of items confiscated was documented in the SSE (Exhibit F). The unit left information flyers that explained the claims procedures for villagers missing property. (Exhibit Z)

(U) **CONCLUSION.** I find that allegations that Coalition Forces committed Law of War violations to be unsubstantiated by the evidence. Civilian casualties did occur because of the enemy's consistent failure to abide by the law of war by locating their operations in and around the civilian populous. Better intelligence regarding civilian activity and pattern of life would have been useful to (b)(3)130b, (b)(6) and his unit, but may not have changed the tactical decisions that he made based on the information he had at the time regarding attacks by Taliban fighters. The CJSOTF-A planners identified an objective and the buildings attached as legitimate military targets as they were the site of an enemy conference that was to play host to 20-30 enemy fighters. By hosting such a meeting of enemy fighters in an urban environment, and specifically in places where women and children were located, the principle of distinction and discrimination were violated. Although the attack unfortunately led to civilian deaths, there was no Law of War violations by Coalition Forces because the attackers acted in good faith based upon the information reasonably available at the time the decisions to strike were made. I find that (b)(3)130b, (b)(6) and his forces complied with the Rules of Engagement and the four principles of the Law of War.

b. (U) **Additional Finding:** There a planned ceremony in Azizabad to commemorate the death of Timor Shah scheduled for 22 August 2008 (Exhibits T, 1 & 5)

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- c. ~~(S//NF)~~ **Additional Finding:** There was a planned ACM Shura in Azizabad in conjunction with above commemoration (Exhibits 1, 5 and 11 & Attachment 1).
- d. ~~(S//NF)~~ **Additional Finding:** Operation COMMANDO RIOT was not triggered by clan-on-clan rivalry, [REDACTED] (b)(1)1.4c [REDACTED] (b)(1)1.4c (Exhibits 1, 5 and 11).
- e. (U) **Additional Finding:** Some of the ACM in Azizabad may have been security contractors or subcontractors for Armor Group. While the Security Contractor (Armor Group) at the Shindand Airport doesn't allow uniforms, weapons or identification cards to leave the Shindand Airport, there has been historical precedence for Armor Group employees "moonlighting" for [REDACTED] (b)(6) as personal security (Exhibits 13 and 15). It's Armor Group policy to fire any security employees who "moonlight". Armor Group fired several employees 6 - 7 months ago for this exact reason. As the Shindand Airport grew its perimeter, the demining employees needed security protection, and Armor Group was unable to provide that many new employees to do this task. Accordingly, subcontractors were used to provide this extra manpower and Armor Group did provide them old uniforms and IDs, but the subcontractor's control measures are in question and security materials (most likely uniforms) may have found their way to Azizabad.
- f. (U) **Additional Finding:** Armor Group does not allow its security employees to "moonlight" for anyone and if discovered, they are fired (Exhibits 13 and 15).
- g. (U) **Additional Finding:** Demining Ops are conducted in the vicinity of Azizabad, but only around the Shindand Airport perimeter. Armor Group has another demining subsidiary named Armor Group Mine Actions which is responsible for clearing mines (mostly old Russian mines) from the perimeter of Shindand Airport. At no time are mines allowed to be removed from the site and are regularly destroyed, but they have strict control of the unearthed mines and no type of mine that Armor Group Mine Actions have cleared was found during the SSE in Azizabad (Exhibit 14).

5. (U) DIRECTED RECOMMENDATIONS.

a. **Directed Recommendation:** ~~(S//NF)~~ While CJSOTF-A has policy guidance to this effect, other U.S. Forces in OEF may not. Recommend CENTCOM publish guidance stating in cases where the GFC deems it tactically feasible, objectives should remain in "Coalition Force control" following the operation to preserve the evidence, comprehensively document casualties, communicate the facts and evidence to GICoA, IGOs, and NGOs; conduct Key Leader Engagements / Shuras, make solatia payments as appropriate, and coordinate immediate HA support.

(1) ~~(S//NF)~~ The ACM has been particularly adept at rapidly (first 24 hours after an incident) exploiting instances where coalition fires have inflicted civilian casualties and feeds the perception that Coalition Forces use close air support in an indiscriminate manner and causes

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unnecessary suffering among the Afghan people. This initial 24 hours has proven to be a critical window of vulnerability for information operations and strategic communications. Through early manipulation of the facts the ACM has sought to gain asymmetric means to dislocate Coalition fires from maneuver by applying political pressure to the GIRoA and through IGOs. In cases where the enemy takes possession of sites of alleged civilian deaths, he is free to manipulate the facts and evidence as part of his information operations effort.

(2) ~~(S//NF)~~ Current SSE practices focus primarily on the positive ID of capture / kill targets and the collection of information to develop follow on strikes. In situations where coalition fires or the effects of those fires are in close proximity to civilian populations, SSE efforts should expand to accurately and comprehensively document casualties to enemy and civilian personnel as well as damage to structures, or the lack thereof. Recommend the issuance of guidance stating that if at all tactically feasible, in cases where operations have caused, or may have cause, civilian casualties or severe damage to civilian property, that the ground commander take the following actions: document casualties (enemy and civilian) and damage to structures.

b. **Directed Recommendation:** (U//~~FOUO~~) Per recent SecDef guidance dated 17 September 2008, (Exhibit AA) all future investigations into disputed civilian casualties will be conducted as joint U.S. / GIRoA efforts whenever possible.

c. **Directed Recommendation:** (U//~~FOUO~~) Recommend CENTCOM publish guidance directing future investigating officers to work with appropriate IGOs / NGOs to gain any/all information on civilian casualty investigations.

(1) (U) Because of their status, IGOs and NGOs like the International Committee of the Red Cross (ICRC), United Nations Assistance Mission to Afghanistan (UNAMA), and Afghan Independent Human Rights Commission (AIHRC) are able to travel to villages or other locations that are in enemy control or otherwise hostile to Coalition Forces beginning an investigation and collecting facts.

(2) (U) Although certain organizations may simply recite the complainants, some will make an effort to verify statements through visits to the alleged sites and the examination of physical evidence. Their collective missions are generally to protect civilians from the ravages of war – however, caution should be maintained as they also have separate political agendas.

(3) (U) Through our coordination with these organizations we were provided sanitized versions of their reports or allegations that contained witness statements, lists of casualties, a chronology of events, and copies of documentary evidence including photos and videos. In return the organizations requested that we provide some reciprocal information and transparency into our investigation methodologies and results. In our work with UNAMA, they requested, and we agreed to Terms of Reference (Exhibit J).

SUBJECT: Findings and Recommendations of investigation of possible civilian casualties during a Coalition operation in Azizabad, Shindad District, Afghanistan on 21-22 August 2008

(4) (U/~~FOUO~~) RC-East personnel are already conducting monthly meetings with several of these organizations to facilitate the exchange of information and provide an accurate portrayal of Coalition and insurgent actions.

9. (U) The POC for this action is the undersigned at DSN (b)(6).



MICHAEL W. CALLAN
Brig Gen, USAF
Investigating Officer

Approved for Release



UNITED STATES CENTRAL COMMAND
7115 SOUTH BOUNDARY BOULEVARD
MACDILL AIR FORCE BASE, FLORIDA 33621-5101

1 October 2008

MEMORANDUM FOR Acting Commander, United States Central Command

SUBJECT: ~~(S//REL ACGU)~~ Additional Recommendations to the AR 15-6 Investigation into new information relative to civilian casualties from engagement by MSOT 873, SFODA 7326 and 207 Afghan Commando's on 21-22 AUG 2008 in Azizabad, Shindand District, Herat Province, Afghanistan.

Ref: (U) AR 15-6, *Procedures for Investigating Officers and Boards of Officers*, dated 2 Oct 2006

1. (U//~~FOUO~~) On 09 September 2008, I was appointed to conduct an AR 15-6 inquiry into new information surrounding civilian casualties in Azizabad on 21-22 August 2008. This memorandum provides an executive summary of the detailed facts, findings and recommendations in the attached investigation report.
2. (U//~~FOUO~~) **BLUF.** The allegations that U.S. or Afghan Forces committed violations of the Rules of Engagement or the Law of War during the 21-22 August 2008 fire fight in Azizabad that allegedly resulted in the death of approximately 90 civilians are unsubstantiated. Our investigation determined approximately 55 persons were killed (33 civilians and 22 Anti-Coalition Militants (ACM)).

3. ~~(S//REL ACGU)~~ SUMMARY OF EVENTS AS THEY OCCURRED. Based on credible information from (b)(1)1.4a, (b)(1)1.4c sub-source, MSOT 873, SFODA 7326 and 207 Afghan Commando's executed Operation 7326-207 "Commando Riot" to capture/kill Mullah Sediq, (b)(1)1.4a, (b)(1)1.4c

(b)(1)1.4a, (b)(1)1.4c After receiving fire on infiltration, Coalition Forces engaged hostile ACM positions with a combination of small-arms fire, crew served weapons and CAS assets. During the operation, the Ground Force Commander (b)(3)130b, (b)(6) delegated his authorities to the On-Scene-Commander (OSC) (b)(3)130b, (b)(6) due to the OSC's "situational awareness" of the battlefield. Working with the AC-130H crew, the OSC established PID of legitimate targets prior to engagement. Unfortunately and unknown to the Coalition Forces, the ACM chose fighting positions in close proximity to civilians.

4. ADDITIONAL RECOMMENDATIONS

a. **Additional Recommendation:** ~~(S//NF)~~ (b)(1)1.4g

(b)(1)1.4g Recommend CENTCOM publish additional guidance stating aircraft that are capable of recording any/all phases of a Coalition Force mission will ensure its recording equipment is operational prior to mission execution of pre-planned missions. Operation COMMANDO RIOT involved the

SUBJECT: Additional Recommendations to the investigation of possible civilian casualties during a Coalition operation in Azizabad, Shindad District, Afghanistan on 21-22 August 2008

(b)(1)1.4a, (b)(1)1.4g

b. **Additional Recommendation:** (S//NF) Recommend CENTCOM require additional training for assigned forces that expands ROE/LOAC specific to the JTAC/Ground Commander Team to better understand the proportional and discriminate application of CAS in urban environments to include the emerging and current guidance found in tactical directives. This recommendation should not suggest that the GFC/JTAC team for operation COMMANDO RIOT was in any way deficient. On the contrary, the GFC/JTAC team involved was more experienced than the average GFC/JTAC team found at the platoon and company level.


(1) Enemy tactics, techniques and procedures (TTPs) have been trending towards more frequent practice of co-locating with civilian population concentrations and/or in urban environments in order to mitigate Coalition use of supporting arms, specifically CAS. Coalition TTPs have also trended towards a more frequent use of CAS during declared "troops in contact" (TICs) events. The intersection between enemy sheltering in populated areas and the growing Coalition trend to employ CAS under defensive situation rules of engagement, will predictably result in a greater number of instances where Coalition fires will be employed in close proximity to civilians. This dynamic will require a greater emphasis on training of the Ground Force Commander (GFC) and the Joint Tactical Air Controllers (JTAC) on the TTPs for the employment of CAS in urban settings and especially the application of the rules of engagement (ROE) and compliance with the law of armed conflict (LOAC.)

(2) Current ROE/LOAC training has effectively focused on direct fire escalation of force scenarios / vignettes or shoot/don't shoot drills. In the course of this investigation, the GFC and JTAC, when questioned, could not recall any specific training scenarios or vignettes the presented the dilemma of employing CAS in a populated with regards to necessity, discrimination and proportionality. Training specifically focused on the GFC/JTAC team should take place prior to deployment during service level pre-deployment training and pre-mission training. This training should not be limited to baseline ROE/LOAC training but should include the emerging and amplified, guidance and intent issued in CENTCOM, ISAF, CJTF-101 and CJSOTF-A tactical directives.

SUBJECT: Additional Recommendations to the investigation of possible civilian casualties during a Coalition operation in Azizabad, Shindad District, Afghanistan on 21-22 August 2008

(b)(1)1.4a, (b)(1)1.4c

5. (U) The POC for this action is the undersigned at DSN (b)(6)


MICHAEL W. CALLAN
Brig Gen, USAF
Investigating Officer

UNCLASSIFIED//~~FOUO~~

UNITED STATES CENTRAL COMMAND
OFFICE OF THE COMMANDER
7115 SOUTH BOUNDARY BOULEVARD
MACDILL AIR FORCE BASE, FLORIDA 33621-5101

9 September 2008

MEMORANDUM FOR BRIGADIER GENERAL MICHAEL W. CALLAN, DETACHMENT
5, U.S. AIR FORCES EUROPE, RAMSTEIN AIR BASE, GERMANY

SUBJECT: Investigation of Possible Civilian Casualties during a Coalition Operation in
Azizabad, Shindad District, Afghanistan on 21-22 August 2008

Ref: AR 15-6, *Procedures for Investigating Officers and Boards of Officers*, dated 2 Oct 2006

1. You are hereby appointed as an investigating officer pursuant to AR 15-6, to conduct an informal investigation into civilian casualties resulting from the subject operation. An investigation was directed by Commander ISAF and approved by Commander CJTF-101 (TAB A) that I believe was properly conducted, and reached reasonable conclusions, based on the then available evidence. Since the conclusion of that investigation, we have received reports of higher civilian casualties based on purportedly new evidence. This investigation will consider the existence and validity of that new information regarding civilian casualties. The following individuals will accompany you and support your investigation:

(b)(3)130b, (b)(6)

2. You will determine the validity of Government of the Islamic Republic of Afghanistan (GoIRA) and United Nations Assistance Mission to Afghanistan (UNAMA), and media reports of civilian casualties beyond those reported by the Coalition Ground Forces and subsequently documented by the CJTF-101 report of investigation. As a minimum, your investigation will address questions presented in paragraphs 2 (a)–(h) below, in light of newly available and/or additional information that was not considered or included within the CJTF-101 investigation. Your investigation, however, is not limited to these issues and you may collect all related evidence and interview all persons with relevant information.

a. How many persons were killed and/or wounded as a result of this combined operation? How many of these persons were women and/or children? How many of these persons can be reliably determined to be enemy combatants?

b. Aside from the above mentioned CJTF-101 investigation, have any other investigations been conducted with respect to the subject operation? If so, you will obtain copies of such investigations and determine their validity.

SUBJECT: Investigation of Possible Civilian Casualties during a Coalition Operation in Azizabad, Shindad District, Afghanistan on 21-22 August 2008

- c. Have lists of dead and wounded been compiled in connection to the subject operation? If so, obtain copies of the lists and determine their validity. When (and to whom) were any such lists provided (e.g., GoIRA and/or UNAMA officials; local civic or religious leaders; members of the news media, etc.)?
 - d. Were any photographs or video images made with respect to possible casualties that may have resulted from the subject operation (e.g., possible gravesites; imagery of human remains or wounded persons; extent of any rubble; etc.)? If so, obtain copies of the photographs and videos and determine their validity. When (and to whom) were such images shown and/or provided to other persons (e.g., GoIRA and/or UNAMA officials; local civic or religious leaders; members of the news media, etc.)?
 - e. When, where, and by whom, was any medical attention or care provided to those who may have been killed or wounded as a result of the subject operation? Were any inquiries, determinations, and/or reports made by medical care providers as to the extent and particulars of any casualties that resulted from the subject operation? When (and to whom) was such information reported and/or provided to other persons (e.g., GoIRA and/or UNAMA officials; local civic or religious leaders; members of the news media, etc.)?
 - f. How long did it take to recover casualties/remove rubble from the area of the subject operation? Where and when were any deceased persons buried? Where and when were any remains placed for open viewing prior to burial?
 - g. What was the extent (to include a description of when, where, and for how long) of any efforts made by U.S. and/or GoIRA military personnel to determine the number of persons who may have been killed and/or wounded as a result of the subject operation? What was the extent of any such effort with respect to determining how many of the dead or wounded may have been women and/or children?
 - h. What, if any, measures have been taken to offer any condolence payments or other payments to any surviving casualties or the families of any deceased persons resulting from the subject operation?
3. Based on the evidence you collect, you will make specific findings regarding each of the above questions and any other matters you deem relevant. You will also make recommendations that should address what actions may be needed to:
- a. More accurately determine, initially report, and make follow-on reports as to the extent of civilian casualties following coalition operations of a similar nature.
 - b. What, if any, procedures should be implemented to better exchange and reconcile Coalition Force civilian casualty determinations that significantly differ from civilian casualty

SUBJECT: Investigation of Possible Civilian Casualties during a Coalition Operation in Azizabad, Shindad District, Afghanistan on 21-22 August 2008

figures reported by non-enemy sources (e.g., GoIRA and/or UNAMA officials; local civic or religious leaders; etc.).

4. All witness statements will, whenever possible, be reduced to writing and sworn to using DA Form 2823. If it is not possible to obtain a written and/or sworn statement from a particular witness, you will swear to the accuracy of any transcription or summary of such witness testimony in whatever form it appears within your report of investigation.

5. If, in the course of your investigation, you come to suspect that certain U.S. service members may have committed a crime, you must advise them of their rights under Article 31, UCMJ using a DA Form 3881 Rights Warning/Waiver Certificate. If the individual being interviewed is a civilian employee of the US Government, you must first consult with your legal advisor prior to interviewing this witness in order to ensure any union or collective bargaining rights are protected. If you suspect a senior officer of a crime – immediately notify your legal counsel. Finally, you must provide them with a Privacy Act statement (see top of the DA Form 2823) before you solicit any personal information.

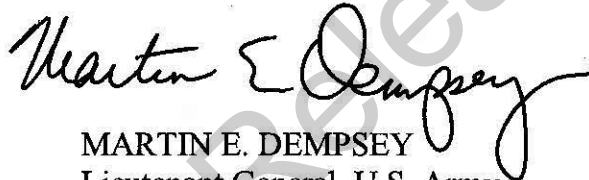
6. Use AR 15-6 to guide your investigation. Consider any evidence in the investigation that you determine to be relevant and material to the incident. You should make appropriate findings and recommendations based on the facts gathered during the investigation. The completed investigation will include:

- a. This memorandum of appointment;
 - b. A completed DA Form 1574;
 - c. A memorandum for record with your findings and recommendations. Your findings are to be based on the facts you gather and your recommendations should include whether any corrective action is appropriate;
 - d. An executive summary;
 - e. An index of exhibits and all exhibits labeled in successive order;
 - f. A chronology of your investigation;
 - g. A list of all persons interviewed and those from whom no statement was taken; and
 - i. Proper classification markings for each paragraph, page, and exhibit included within your report of investigation.
7. This investigation takes priority over all other duties. You will have the complete support of U.S. CENTCOM subordinate operational commands for security, movement, and coordination.

SUBJECT: Investigation of Possible Civilian Casualties during a Coalition Operation in Azizabad, Shindad District, Afghanistan on 21-22 August 2008

Before beginning your investigation, you must review all materials assembled by the appointing authority regarding this matter. Additionally, before beginning your investigation, you must also consult with your legal advisor and obtain legal advice throughout your investigation, as necessary.

8. Submit your findings and recommendations to me using DA Form 1574 through the USCENCOM OSJA NLT 24 September 2008. If any circumstances prevent the timely completion of your report, submit extension requites through your legal advisor to me for approval.



MARTIN E. DEMPSEY
Lieutenant General, U.S. Army
Acting CDR, USCENCOM

Attachment

TAB A: AR 15-6 Investigation conducted by MAJ (b)(3)130b, (b)(6) dated 29 August 2008

cc:

CDR, ISAF
CDR, AFCENT
CDR, CJTF-101
CDR, CSTC-A
CDR, SOCCENT



UNCLASSIFIED
UNITED STATES CENTRAL COMMAND
7115 SOUTH BOUNDARY BOULEVARD
MACDILL AIR FORCE BASE, FLORIDA 33621-5101

24 Sep 2008

FOR: ACTING COMMANDER, UNITED STATES CENTRAL COMMAND

FROM: Brigadier General Michael W. Callan, USAF

THRU Staff Judge Advocate, United States Central Command

SUBJECT: Extension Request to Complete AR 15-6 Investigation of Possible Civilian
Casualties during a Coalition Operation in Azizabad, Shindad District, Afghanistan
on 21-22 August 2008

Ref: (a) Investigating Officer Memorandum of 9 Sep 2008

General Dempsey,

Respectfully request an extension to complete the subject investigation until 1 October 2008. The appointing memorandum directed completion by 24 September 2008. Since my appointment, my team and I have completed most of the fact-finding portion of our investigation. However, delays caused a late arrival into Afghanistan. The additional week will allow my team and I to compile and assess the significant amount of information we have obtained, conduct appropriate out briefs, submit our report for the appropriate legal review, and address any additional issues that arise during that process.

MICHAEL W. CALLAN
Brigadier General, U.S. Air Force
Investigating Officer

The request for an extension is approved. Provide the completed investigation to this Command through SJA channels no later than 1 October 2008.

MARTIN E. DEMPSEY
Lieutenant General, U.S. Army
Acting CDR, USCENTCOM

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Investigation Chronology

091300ZSEP08 LTG Dempsey meets with CoS, SJA and (b)(3)130b, (b)(6) and provides intent

092200ZSEP08 LTG Dempsey appoints Brig Gen Callan as the Investigating Officer, (b)(3)130b, (b)(6) Deputy IO, and (b)(3)130b, (b)(6) as the Legal Advisor

092300ZSEP08 MG Hood calls Investigating Officer and provides notification of appointment

101230ZSEP08 Conducted phone conference with Brig Gen Callan

101330ZSEP08 CENTCOM members conduct TDY planning, coordination and equipment draw for the rest of the day

110830ZSEP08 Conducted phone conference with Brig Gen Callan

111730ZSEP08 Depart Tampa (via commercial flight) for Ramstein, Germany

112359ZSEP08 End of day 0

120700ZSEP08 Arrive Ramstein, Germany

120900ZSEP08 Office call with Brig Gen Callan – (b)(3)130b, (b)(6) gives initial legal guidance

121000ZSEP08 Ramstein Base orientation

121200ZSEP08 Medical appointment for required down range screening and meds

121400ZSEP08 Drafted initial calendar and developed investigation plan way ahead

121800ZSEP08 End of day 1

130700ZSEP08 Team Meeting – Coordination with LNOs; refined proposed calendar based upon info received

131500ZSEP08 Checked out of billeting

131600ZSEP08 Flight Cancelled - Contacted LNOs to update, Rebooked flights (24 hours later), Redrafted calendar and distro'd to POCs

131800ZSEP08 End of day 2

140700ZSEP08	Team Meeting – Coordination with LNOs; refined proposed calendar based upon info received
141500ZSEP08	Checked out of billeting
141600ZSEP08	Flight Cancelled – Contacted LNOs to update, Rebooked flights (24 hours later), Redrafted calendar and distro'd to POCs
141800ZSEP08	End of day 3
150700ZSEP08	Flight Cancelled – Contacted LNOs to update, Rebooked flights (12 hours later), Redrafted calendar and distro'd to POCs
150930ZSEP08	Reviewed Investigation and prepared for VTC with CJSOTF-A
151130ZSEP08	Conference call with CoS CENTCOM – SITREP – requested permission to start planning for Herat Trip – okayed
151400ZSEP08	VTC w/ CJSOTF – Investigation Brief followed by question and answer period
151600ZSEP08	Post-VTC AAR and Planning
151700ZSEP08	End of day 4
160530ZSEP08	Flight Cancelled – Contacted LNOs to update
160600ZSEP08	Rebooked flights for 16 SEP evening flight
160630ZSEP08	Booked an earlier nonpublished flight (maintained seats on evening flight)
160700ZSEP08	Checked Weapons out from Arms Room
160730ZSEP08	Redrafted calendar and distro to POCs
160900ZSEP08	Conference Call w/ LNOs
161300ZSEP08	Conference call with CoS CENTCOM – SITREP
161700ZSEP08	Flight out on nonpublished C-17 from Ramstein to BAGRAM Air Base
162330ZSEP08	Arrival Bagram – Movement to lodging
162359ZSEP08	End of day 5

170830ZSEP08 Meeting at CJSOTF

171315ZSEP08 Meeting with (b)(6) Bomb site reconstruction specialist

171330ZSEP08 Office Call w/ (b)(3)130b, (b)(6) CDR CJSOTF (at CJTF-101 HQ)

171400ZSEP08 Office Call w/ MG Schlosser, CDR, CJTF-101/RC(E)

171430ZSEP08 Office call w/ CJTF-101 POLAD

171530ZSEP08 Team planning and coordination (continued until end of day 6)

171600ZSEP08 Conference call with CoS CENTCOM – SITREP – Requested guidance based on press report stating SecDef declared the investigation a joint US – AFG effort

171930ZSEP08 End of day 6

180330ZSEP08 Fly from Bagram to Kubal International Airport (KAIA) (UH-60)

180400ZSEP08 Ground transportation from KAIA to USEMB (UK 7th Trans. RG.)

180530ZSEP08 Interview of UNAMA personnel (b)(6) (b)(6) – at USEMB

180630ZSEP08 Interview of AIHRC personnel – at USEMB

180815ZSEP08 Office Call with LTG Karami, Afghan MoD (BG Tucker, ISAF DCOS-Ops was also at the meeting)

181200ZSEP08 Investigation Team has Office Call with COMISAF

181300ZSEP08 Team planning and coordination

181930ZSEP08 End of day 7

190500ZSEP08 Conducted Conference Call with (b)(6) New York Times and the COMUSFOR PAO

190530ZSEP08 Office call with Maj Gen Remkes, AFCENT Air Component Coordination Element (ACCE) – AFG

190900ZSEP08 Interview (face-to-face) of (b)(6) (FB Thomas Team S-2) and (b)(3)130b, (b)(6) (Shindand Team JTAC)

191100ZSEP08 (Partial) Interview (VTC) of AC-130H pilot, AC-130H fire control officer and (b)(3)130b, (b)(6) (VTC connectivity failed)

191400ZSEP08 Signed and submitted Teams of Reference to UNAMA

191530ZSEP08 Conducted final coordination with (b)(6) for Shindand / Azizabad boots on the ground investigation

191630ZSEP08 Team planning and coordination

191930ZSEP08 End of day 8

200400ZSEP08 Meeting with UNAMA

200830ZSEP08 Meeting with ICRC

201445ZSEP08 Planned departure KAIA on MC-130 for Shindand Airfield

201545ZSEP08 MC-130 flight cancelled, aircraft down for maintenance; RON KAIA

201630ZSEP08 End of day 9

210230ZSEP08 UH-60 from KAIA to BAF

210330ZSEP08 Fallen Comrades ceremony at BAF

210430ZSEP08 Casa 235 flight from BAF to Shindand Airfield

210630ZSEP08 Arrive Shindand Airfield

210700ZSEP08 Arrive FB Thomas

210900ZSEP08 Depart FB Thomas for Azizabad battlefield terrain walk and AFG civilian (KLE and villager) interviews

211130ZSEP08 Move to view grave sites (x3)

211330ZSEP08 Return FB Thomas

211430ZSEP08 Interview of (b)(3)130b, (b)(6) (USSF) – FB Thomas Deputy Team Commander

211530ZSEP08 Interview of (b)(3)130b, (b)(6) (USSF) – FB Thomas Team Sergeant

211630ZSEP08 Team planning and coordination

211830ZSEP08 End of day 10

220330ZSEP08 Interview of (b)(6)

220430ZSEP08 Interviews of Azizabad villagers: Elder – (b)(6) and School Principal – (b)(6)

220515ZSEP08 Interview of (b)(3)130b, (b)(6) (USMC) – FB Thomas Deputy Intel Officer

220600ZSEP08 Interview of (b)(3)130b, (b)(6) (USSF) – FB Thomas Intel NCO who had the responsibility of “source handler” for the operation (interview conducted twice due to recording device failure)

220830ZSEP08 Interview of (b)(6) (2nd in charge of Armor Security Company while manger (b)(6) on leave)

220900ZSEP08 Interview of (b)(3)130b, (b)(6) (USMC) – FB Thomas Element Leader, Team 3

221030ZSEP08 Interview of (b)(3)130b, (b)(6) (USSF) – FB Thomas Intel NCO

221115ZSEP08 Interview of (b)(6) – FB Thomas general contracting officer and person with knowledge of backhoe available at Shindand Airfield

221140ZSEP08 Interview of (b)(6) – Contactor in charge of demining

221200ZSEP08 Interview of (b)(3)130b, (b)(6) – Op COMMANDO RIOT Assault Element Leader

221730ZSEP08 Depart Shindand Airfield via MC-130

221900ZSEP08 Arrive BAF

222000ZSEP08 Take (b)(3)130b, (b)(6) to Hospital for leg

222230ZSEP08 Meet (b)(3)130b, (b)(6) at the flight line

222000ZSEP08 End of day 11

230600ZSEP08 Consolidation and coordination

230800ZSEP08 Review Op COMMANDO RIOT TS packet with (b)(3)130b, (b)(6) in CJSOTF-A SCIF

231030ZSEP08 Face-to-face interview of AC-130H pilot

231130ZSEP08 Face-to-face interview of AC-130H fire control officer

231130ZSEP08 (b)(3)130b, (b)(6) conducts phone update with CENTCOM CoS, receives guidance and Team is granted an extension until 01 OCT 08

231330ZSEP08 Interview of (b)(3)130b, (b)(6) CDR CJSOTF-A

231500ZSEP08 Team planning and coordination

231800ZSEP08 End of day 12

240330ZSEP08 Team planning and coordination

240530ZSEP08 Interview with (b)(6), Afghan Commando Battalion CDR during Operation Commando Riot

240930ZSEP08 Phone interview with (b)(6) of Afghan Tolo TV Station

241030ZSEP08 The beginning of the material review, transcription and consolidation process

241430ZSEP08 Meeting with FBI to discuss status of CENTCOM rubble analysis and facial recognition request

241900ZSEP08 End of day 13

250330ZSEP08 Team planning and coordination

250830ZSEP08 Out-brief production

251430ZSEP08 Received GIRoA investigation packet (in Dari) – submitted for translation to English at both the USEMB and CJTF-101 DOCEX cell

251900ZSEP08 End of day 14

260330ZSEP08 Continue Out-brief and AR 15-6 results production

260530ZSEP08 (b)(3)130b, (b)(6) meeting at CJSOTF-A Joint Intelligence Support Element (JISE)

260530ZSEP08 Brig Gen Callan and (b)(3)130b, (b)(6) conduct phone interview with AFG Director General of the Haj, (b)(6)

261900ZSEP08 End of day 15

270330ZSEP08 Continue Out-brief and AR 15-6 results production

271800ZSEP08 End of day 16

280330ZSEP08 Continue Out-brief and AR 15-6 results production

280830ZSEP08 Conduct preliminary outbrief rehearsal

281030ZSEP08 Fly (UH-60s) to KAIA; ground transportation to ISAF HQ

281330ZSEP08 Preliminary outbrief to COM ISAF, GEN McKiernan

281600ZSEP08 Ground transportation to KAIA; return to Bagram (UH-60s)

281700ZSEP08 End of day 17

290330ZSEP08 Continue Out-brief and AR 15-6 results production

291800ZSEP08 End of day 18

300330ZSEP08 Continue Out-brief and AR 15-6 results production

300600ZSEP08 Phone interview with Shindand Hospital Doctor, Dr. (b)(6)
(b)(6)

301430ZSEP08 VTC Out-brief to ACDR CENTCOM, LTG Dempsey, with attendance by CDR CJTF-101, MG Schlosser

301700ZSEP08 End of day 19

010730ZSEP08 Brig Gen Callan signs the AR 15-6 for submission to USCENTCOM - EOM

Sensitive Site Exploitation Class

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Agenda

- SOPs
 - Numbering SOPs
 - Marking SOPs
 - Searching SOPs
 - Picture SOPs
 - Sketching SOPs
- PUC Taxi Service
- PUC Consolidation Point

Agenda

- Reception Party
- SSE Teams
- SSE Plan on the OBJ
 - During the Initial Assault
 - After the OBJ is Secure
- SSE Plan on Arrival at FB

Numbering SOPs

Numbering SOPs

- Every number is nested within it's own compound, building, and room number
- Compounds IAW with MACRO GRG
- Buildings
 - Breach point is 12 o'clock move in clockwise direction
 - 1-x

Numbering SOPs

- Rooms
 - breach point is 12 o'clock, move in clockwise position
 - 1-x
 - if a building has multiple stories, start at the breach and proceed as if the building was one story
 - completely number the entry floor and then move on to the next floor
 - completely number a complete floor before moving on to the next floor.

Numbering SOPs

- If a compound is a single building or a building has only a single room assign them a number of 1
 - Courtyards of compounds will be designated by an X
 - examples
 - 38-1-1
 - 1-2-1

Numbering SOPs

-

(b)(1)1.4a

Marking SOPs

PUC Marking SOP

•

(b)(1)1.4a

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Body Marking SOP

Approved for Release

(b)(1)1.4a, (b)(1)1.4c

Body Marking SOP

- Photograph(s)
 - of face with 3X5 card
 - of body with associated weapon(s)
- Place the 3X5 card in the zip-lock bag
- Collector writes his name on the bag
- Primary team has numbers 1-50
- Alternate team has numbers 51-100
- When finished leave Body in the “searched position”

Room Marking SOP

-

-

(b)(1)1.4a

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Zip-lock Marking SOP

-

(b)(1)1.4c

- Mark zip-lock bags with room contents with that corresponding room number and your name

Evidence Marking SOP

- Put all evidence into a plastic bag, if possible
- Mark the bag with the compound-building-room number
- Put your name on the bag
- Primary team numbers start at 100
- Alternate team numbers start at 200

Evidence Marking SOP

- If the evidence can't be placed in a bag
 - Record the serial number, or assign a ADMIN number to the item, (kind of like a PUC number)
 - Record what was found, where it was found, and who found it
 - Photograph it
 - Collect it and bring it to the Consolidation point

Searching SOP

Searching SOPs

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(b)(1)1.4a

Searching SOPs

Approved for Release

(b)(1)1.4a

Searching SOPs

- Photograph evidence/items of interest in the room where found
- Mark the evidence IAW marking SOP
- Bring the evidence to the Consolidation point

Photo SOP

Photo SOP

- Photograph all dead guys
 - with their corresponding numbers
 - with associated evidence
- Photograph all PUC's
 - with associated evidence
 - if time permits, with a left and right profile

Photo SOP

- Photograph Compounds
 - starting from the breach point as the 12 O'clock
 - move in a clockwise manner
 - Leave evidence and dead guys in photos if possible

Photo SOP

- Photograph Rooms
 - starting from the breach point as the 12 o'clock
 - move in a clockwise manner
 - Leave evidence and dead guys in photos if possible
- While one guy is taking photos the other is recording what the photos are of
- Leave all US personnel out of the Photos

Sketching SOP

Sketching SOP

- MACRO OBJ sketch will be completed
 - use GRG
- Sketch every compound of importance
- Sketch every building of importance
- Sketch every room of importance

Sketching SOP

- Every sketch should be a stand alone document with pertinent information present
- Record locations of where evidence, PUCs, and dead guys were

PUC Taxi Service

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PUC taxi service

-

(b)(1)1.4a

Approved for Release

PUC Consolidation Point

Approved for Release

PUC Consolidation Point

-



PUC Consolidation Point

-

(b)(1)1.4a

- Ensure they are marked IAW SOP
- Ensure they are blindfolded and cuffed
- Place in an ordered manner IOT prevent confusion later on
 - In processed
 - Keepers
 - Leavers

PUC Consolidation Point

- [REDACTED] (b)(6) begin to “in process” PUCs
 - Collect Biometrics
 - Photograph
 - Detailed search and capture tags [REDACTED] (b)(1)1.4a
 - [REDACTED] (b)(1)1.4a Begin TQ
- [REDACTED] (b)(6) begins to separate possible keepers and leavers and starts TQ

PUC Consolidation Point

-

-

(b)(1)1.4a, (b)(1)1.4c

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Reception Party

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Reception Party

- (b)(1)1.4a
- Receives the PUCs and begins necessary paperwork
 - Capture tags
 - Detailed Search

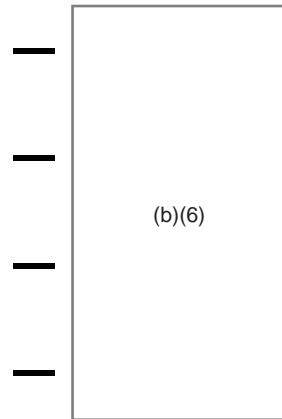
(b)(1)1.4c
 - Photograph with PUC board
 - Begins SOG schedule

SSE Teams

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SSE Teams

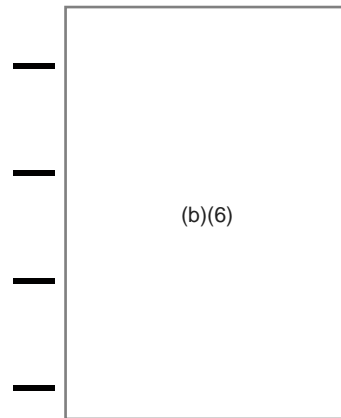
- Primary SSE Team



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SSE Teams

- Alternate SSE Team



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SSE Plan on the OBJ

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SSE Plan on the OBJ

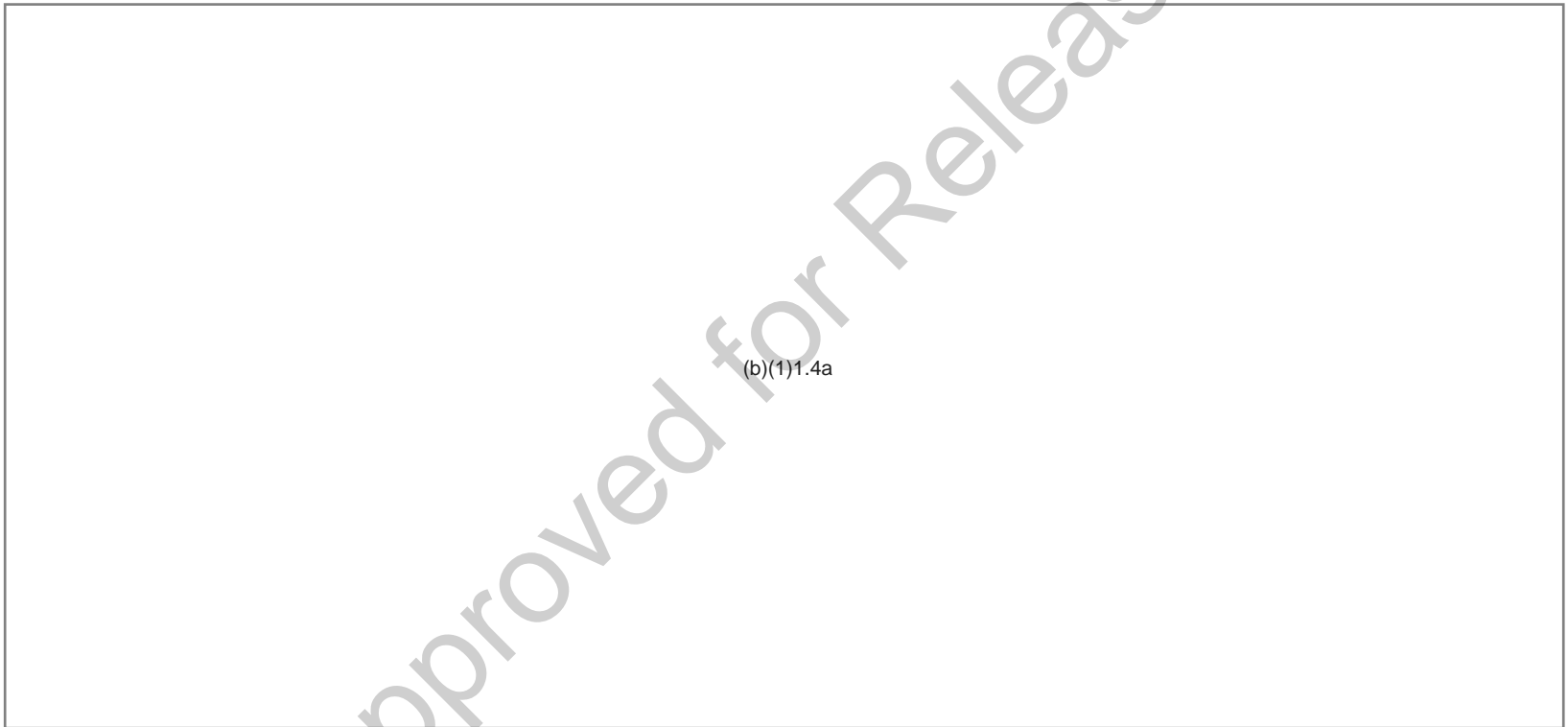
-

(b)(1)1.4a

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SSE Plan on the OBJ

-



SSE Plan on the OBJ

-

(b)(1)1.4a

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SSE Plan on the OBJ

●

(b)(1)1.4a

- PUC consolidation point conducts TQ
- Assaulters begin detailed searches of compounds
 - IAW mission guidelines
 - IAW SSE SOP
 - If nothing is found in the building, don't worry about photos and sketches

—

(b)(1)1.4a

SSE Plan on the OBJ

- (b)(1)1.4a

 (cont)
 - PUC consolidation point preps detainees for movement to PZ

SSE Plan on Arrival at FB

- Reception party begins priorities of work
- (b)(6) sends 5Ws to BN
 - (b)(1)1.4a
- GFC sets time for all PAX with a corresponding PUCs to meet in OPCEN IOT complete Sworn Statements
 - (b)(1)1.4a

SSE Plan on Arrival at FB

- Medics screen incoming PUCs
 - (b)(1)1.4a
- Detailed inventories of evidence and (b)(1)1.4c
- Initial SSE list is compiled and sent up

Questions?

Pages 133 through 197 redacted for the following reasons:

"United Nation record not subject to FOIA or releasable by CENTCOM"

Approved for Release

NRH-08-0004015
 Batch number: 080923-3
 Source Language: Dari/Pashto
 Translation Type: Gist Translation
 Linguist No#: 234
 Ops Net # 9981
 Log Date: 23 September 2008

Descriptive Title:

MEDIA FROM CJTF101ST ASSOCIATED CENTCOM INVESTIGATION OF BG CALLAN FROM AFGHANISTAN.

GIST: (Who/What/When/Where/How)

MEDIA FROM CJTF101ST ASSOCIATED CENTCOM INVESTIGATION OF BG CALLAN FROM AFGHANISTAN. ITEM(S) CONSISTS OF: A VIDEO OF APPROXIMATELY 23 MINUTES.

[Translator Comment (TC): For clarity, titles are CAPITALIZED and, where appropriate, double parentheses have been placed around the last name of each person.]

The VCD pertains to the victims of Shindand Bombardments. The video shows dead bodies of approximately: women (3), elder men (3); mid-aged men (5); infants (4); children (8). Too many people are talking at the same time in various languages (TC: Dari, Pashto, Farsi and Bluchi) making it hard to understand what they are saying. When asked by the government investigator how many people were killed, one voice says, "Between 20 to 25." Another voice says, "We have taken 65 people out from under the debris." Another voice says, "Seventy people and five bodies are taken to another place. Let's go, we will show you."

One man speaks on behalf of the group, who are gathered:
 We had Khatm-e-Quran [TC: Recitation of the holy Quran] and had invited approximately 200 people. Our dishes and food are out there as proof of our claim. We had informed the governor and other authorities of what we intended to do. It was about 1:00 a.m. when I heard a booming sound. When I looked over the wall I heard the voices of the American Soldiers, so I started to hide. Then the bombarding started and simultaneously continued until 8:00 a.m., and this is the result.

One voice says, "Because of Taliban, these innocent people were martyred."

NRH-08-0004015

Batch number: 080923-3

Source Language: Dari/Pashto

Translation Type: Gist Translation

Linguist No#: 234

Ops Net # 9981

Log Date: 23 September 2008

Another voice says, "Show me a Talib -- these are all innocent kids, men and women-- you have kids of your own--how would you feel if your kids are killed like them? "

At the end of the video, a vehicle base pass is displayed on the ground that reads, "The bearer of this letter, (b)(6) works at the Shindand Airbase for ECC. Please allow him access to the base with his vehicle." The letter is signed by the ECCI-Security Manager, Shindand Airbase, Afghanistan. In addition, a number of rifles, guns, magazines, bullets, vests, various currencies of money (including USD), prescription pills, and numerous cell phones are also displayed on the ground. An American voice is heard talking to the investigators. There are a few bottles of alcohol and an ID card of a man by the name of (b)(6) that is also displayed. The ID indicates that (b)(6) was working with the American Special Forces.

[TC: There are a lot of contradictions heard and noticed:

1. Three different numbers are said by three different voices: 20-25, 65 and 70 bodies
2. They claim that they were having 200 people over; the number of the pots and dishes of food shown are not enough to feed 200 men. Might have been enough to feed 20-25, but not 200
3. While one is talking, others are giving words to his mouth, exaggerating about the numbers of casualties]

(b)(6)



(b)(6)

1381 (b)(6) 16

Afghanistan Independent Human Rights Commission

69		Male	40	Nawabad	From Shawz but living in Nawabad
70		Male	8	Nawabad	From Shawz but living in Nawabad
71		Female	5	Nawabad	From Shawz but living in Nawabad
72		Female	10	Nawabad	From Shawz but living in Nawabad
73		Female	25	Nawabad	From Shawz but living in Nawabad
74		Male	35	Guest from Chalosak Village	Guest from Chalosak Village
75		Male	90	Nawabad	
76		Male	55	Nawabad	
77		Male	40	Nawabad	
78		Male	18	Nawabad	
79		Male	8	Nawabad	
80		Male	6	Nawabad	
81		Male	2	Nawabad	
82		Female	8	Nawabad	
83		Female	10	Nawabad	
84		Female	3	Nawabad	
85		Female	30	Nawabad	
86		Male	60	Nawabad	
87		Male	10	Nawabad	
88		Male	14	Nawabad	
89		Male	10	Nawabad	
90		Male	8	Nawabad	
91		Female	60		

(b)(6)

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Pul-e-Surkh
Tel: 2500676, 2500677

(b)(6)

2500677, 2500676 (b)(6)

(b)(6)



(b)(6)

1381(b)(6)16

Afghanistan Independent Human Rights Commission

List of villagers injured in the air strike on 22/08/2008 in Azizabad, Nawabad

No.	Name	Father Name	Gender	Age	Remarks
1	(b)(6)		Male		
2			Female		
3			Female		
4			Male		
5			Male		

Locations the Dead bodies were buried:

No.	Location	Number of Bodies buried	Remarks
1	Naw Abad Village	40	It is a village of Aziz Abad
2	Guzara District	4	Herat Province
3	Shawz	7	Shindand
4	Farah Kanisk	5	Farah Province
5	Sarayak	1	Aziz Abad
6	Mughlan	4	Aziz Abad Near air field
7	Wakhal	8	Beginning of Aziz Abad from Kandahar towards Herat
8	Aziz Abad	5	
9	Lwar Aziz Abad	16	Near to Nawabad

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(b)(6)

2500677 2500676 (b)(6)

(b)(6)



(b)(6)

1381(b)(6)16

Afghanistan Independent Human Rights Commission

List of the villagers killed in the air strike on 22/08/2008 in Azizabad, Nawabad

No.	Name	Father Name	Gender	Age	Resident	Remarks
1	Raza Khan		Male	45	Naw Abad	
2	Wife of Raza Khan		Female	30	Naw Abad	
3	Siya Moy		Female	14	Naw Abad	
4	Samira		Female	8	Naw Abad	
5	Sayed Ahmed		Male	6	Naw Abad	
6	Wife of Taimoor Shah		Female	32	Naw Abad	
7	Arezoo		Female	12	Naw Abad	
8	Roha		Female	10	Naw Abad	
9	Kubra		Female	5	Naw Abad	
10	Roya Jan		Female	5	Naw Abad	
11	Amanullah Jan		Male	8	Naw Abad	
12	Malدار		Female	15	Naw Abad	
13	Tahir		Male	38	Naw Abad	
14	Wife of Tahir		Female	31	Naw Abad	
15	Salim		Male	8	Naw Abad	
16	Sakina		Female	20	Naw Abad	
17	Nasima		Female	8	Naw Abad	
18	Mohammad Arif	(b)(6)	Male	7	Naw Abad	
19	Mohammad Asif		Male	5	Naw Abad	
20	Fariba		Female	5	Naw Abad	
21	Nagina		Female	2	Naw Abad	
22	Bor Jan		Male	82	Naw Abad	
23	Shahida		Female	73	Naw Abad	
24	Pikay		Female	17	Naw Abad	
25	Suraya		Female	32	Naw Abad	
26	Mir Agha		Male	18	Naw Abad	
27	Mohammad Agha		Male	15	Naw Abad	
28	Ghulam Siddiq		Male	1	Naw Abad	
29	Aqila		Female	7	Naw Abad	
30	Sakina		Female	5	Naw Abad	
31	Shakila		Female	3	Naw Abad	
32	Samira		Female	25	Naw Abad	
33	Umeed		Male	3	Naw Abad	
34	Durani		Female	7	Naw Abad	
35	Guldana		Female	5	Naw Abad	
36	Jahan Shir		Male	16	Naw Abad	

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Tel: 2500676, 2500677

(b)(6)

2500677 2500676 (b)(6)

(b)(6)



(b)(6)

1381(b)(6)16

Afghanistan Independent Human Rights Commission

37	✕	Habib	Male	76	Naw Abad	
38	✕	Khuda Dad	Male	9	Naw Abad	
39	✕	Noor Mohammad	Male	82	Naw Abad	
40	✓	Shirin	Female	60	Naw Abad	
41	✕	Zulaikha W/O Noor Mohammad	Female	35	Naw Abad	
42	✕	Nabi Jan	Male	10	Naw Abad	
43	✓	Taza Gul	Male	3	Naw Abad	
44	✓	Maida Gul	Female	2	Naw Abad	
45	✓	Zia Gul	Female	1	Naw Abad	
46	✕	Bari Gul	Male	22	Naw Abad	
47	✓	Sayed Bibi	Female	6 Months	Naw Abad	
48	✓	Shir Ahmed	Male	3 Months	Naw Abad	
49	✓	Bibi Gul	Female	4	Naw Abad	
50	✓	Shafiq	Female	2	Naw Abad	
51	✕	Abdul Rashid	Male	40	Naw Abad	
52	✓	Wife of Abdul Rashid	Female	40	Naw Abad	
53	✕	Son	Male	3	Naw Abad	
54	✕	Son	Male	10	Naw Abad	
55	✕	Daughter	Female	8	Naw Abad	
56	✕	Daughter	Female	13	Naw Abad	
57	✓	Mohammad	Male	30	Naw Abad	
58	✕	Wife of Sayed Khan	Female	27	Naw Abad	
59	✓	Daughter	Female	9	Naw Abad	
60	✓	Daughter	Female	7	Naw Abad	
61	✕	Son	Male	4	Naw Abad	
62	✓	Abdul Zahir	Male		Sarayak	
63	✕	Wife of Babuddin	Female	50	Mughlan	From Mughlan but living in Nawabad
64	✓	Grand child of Babuddin	Female		Mughlan	From Mughlan but living in Nawabad
65	✕	Gul Rukh	Female	30	Nawabad	
66	✓	Ghamai Jan	Male	7	Kanisk Farah	Guest from Kanisk Farah
67	✓	Rahima	Female	3	Kanisk Farah	Guest from Kanisk Farah
68	✓	Shafi	Male	4 Months	Kanisk Farah	Guest from Kanisk Farah

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(b)(6)

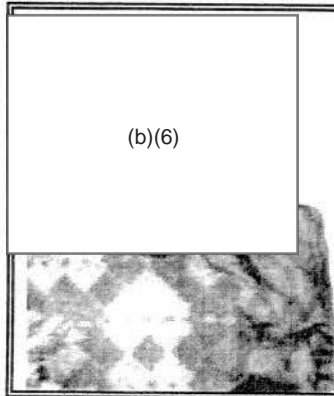
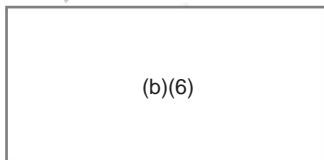
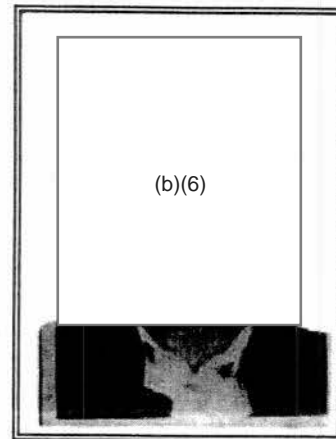
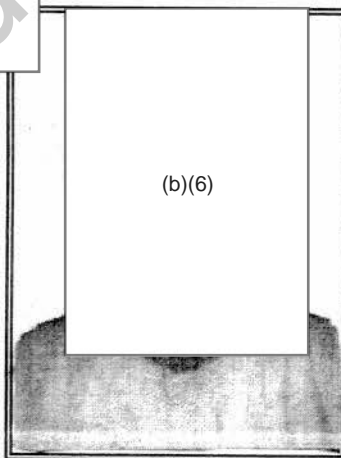
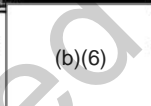
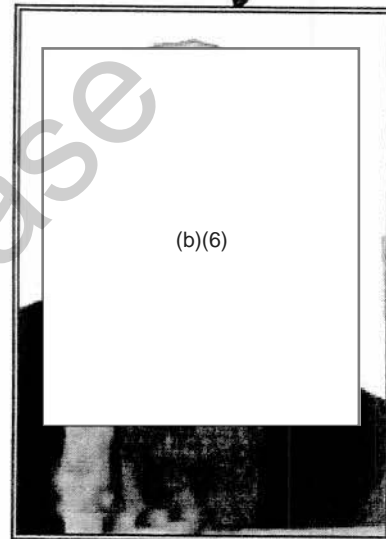
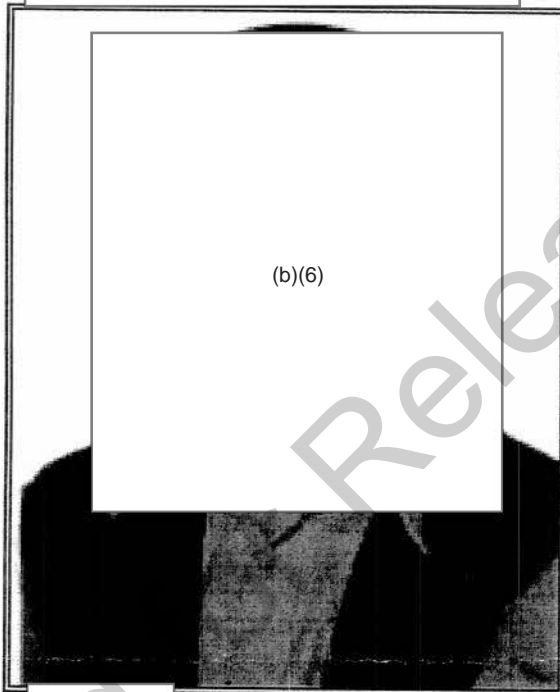
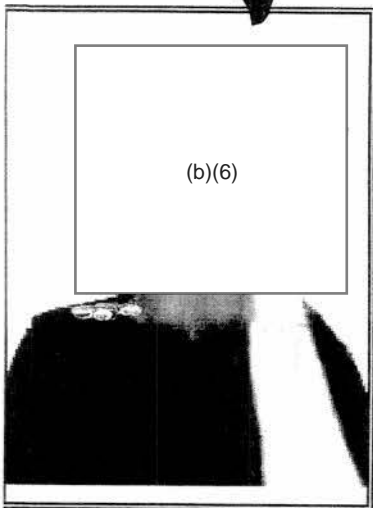
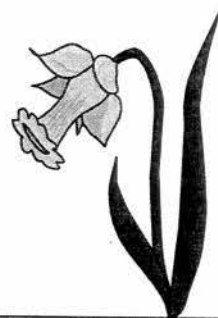
2500677 2500676

(b)(6)

Investigations into incident in Nawabad Village, Shindand District

ANNEXURE 1 – Invitation to commemoration ceremony







TO: (b)(6)

FROM: Special Investigation team of AIHRC

DATE: 24 May 2007

RE: Civilian casualties in Shindand district Herat, 27-30 April

The AIHRC investigation of the fighting that took place in the Zerko area of Shindand district, Herat province, found that the force employed by the international military forces involved was probably proportionate in the circumstances. However, the ever-growing number of civilian deaths caused by the conflict in Afghanistan as well as several issues and obstacles faced in the course of the investigation, reemphasize some important general concerns.

Sequence of Events:

On Friday 27 April 2007 American and allied Special Forces (SF) together with Afghan National Army (ANA) personnel conducted several house searches in the Zerko area of Shindand district, Herat province. The raids followed days of unannounced house searches in the area that had already caused serious upset within the local community.

One on the houses raided the village of Par Makan on 27 April was that of (b)(6) (b)(6) the brother of the late (b)(6). During this operation the SF forcibly arrested two of the present guests, against the resistance of occupants of the house. While accounts diverge it seems likely that SF then came under attack when leaving the village (b)(6) for instance, denied any such attacks had taken place but also stated that the villagers had been "very patient with all the searches but finally it was enough and [they] took action"). In the ensuing firefight three, probably armed, local men as well as one special operator were killed. Also, four bombs were dropped on (b)(6) compound, destroying large parts of it but causing only a limited number of injuries.

After two days of relative calm, reinforced SF and ANA units (around 15 to 20 mostly armored vehicles) returned to Zerko on Sunday 29 April. Apparently, on entering the area they encountered intensive armed resistance and violent clashes broke out in several locations. The clashes continued for at least 24 hours and involved the use of heavy weaponry including mortars, RPGs and heavy machine guns on both sides. SF/ ANA also repeatedly engaged close air support, bombing numerous compounds and targeting fleeing fighters with helicopter gunships.

The fighting caused casualties on both sides. Alleged insurgent casualty figures stated in consequent press releases by the Combined Press Information Center in Bagram seem vastly inflated (according to some statements up to 136 "Taliban fighters" were killed). Local sources claim that the fighting resulted in 57 allegedly civilian deaths. While

numerically probably more accurate, it is extremely doubtful that all of these deaths really were civilian casualties. Rather, available victim lists and statements by eyewitnesses indicate that only around 20 to 25 of the people killed in the clashes were in fact clearly civilian in nature (some of these drowned in the river while attempting to flee). The remainder is likely to have been actively involved in the hostilities.

The ANA has subsequently denied any involvement in the operation but reliable information suggests that this is not in fact correct and that at least the 13 Kandak unit, operating out of Herat, took part in the fighting. On the international side of the operation, US SF part of Task Force 71 as well as air support from Task Force 82 were involved, along with some Rumanian and other coalition SF.

There are a number of different theories attempting to explain why the international and ANA forces faced such fierce resistance on 29 and 30 April. Suggested reasons include the presence of high-value Taliban and/ or foreign fighter targets in the Zerko area; community anger at the previous searches of their homes; the protection of the local opium crop or a connection with a longstanding rivalry between two powerful armed commanders in the region. While the true reason may well be a combination of several of these factors, as long as one is satisfied that the armed resistance did in fact occur, the true reason behind it is of ultimately relatively limited concern for the analysis of the legality of the combatants' actions.

Legal Analysis:

Local community leaders in Zerko alleged that (i) their communities were innocent and thus attacked arbitrarily and that, in any case, (ii) the bombings undertaken by international forces were indiscriminate in nature. Similarly, national and international media had reported excessive civilian casualties, implying indiscriminate or at the very least (iii) disproportionate use of force. In case significant local resistance did in fact occur, there also arise the issues of (iv) such resistance endangering civilians by initiating military operations within a populated area and (v) the blurring of the distinction between civilians and combatants by using civilian objects for military purposes.

(i) Violent resistance against international/ ANA forces in Zerko?

Village elders in Zerko and Shindand occasionally claimed that no armed resistance of any kind took place against international and ANA forces in Zerko and that the community had been effectively disarmed in the DDR program. However, this goes directly against several contradictory statements made by the same elders, including repeated references to carrying their guns and taking justified violent defensive action against intrusive American house searches. It is also in contradiction to credible statements by US SF members that they were attacked in the village and faced intensive resistance.

Confirmed SF casualties resulting from the operations in questions, as well as the physical evidence found by both the AIHRC's and UNAMA's missions to the area also strongly support the version that the international and ANA forces did indeed come under attack in Zerko and intensive two-sided fighting then took place.

(ii) *Indiscriminate use of force?*

There have been repeated allegations that the force employed in the Zerko operation was indiscriminate in that the international and ANA forces failed to make a distinction between legitimate enemy targets taking direct part in the hostilities and civilian ones protected from direct attacks. In its practical application, the principle of civilian immunity does not require a commander's decision to be perfect but rather that it be reasonable based on all the sources available to him at the time.

The evidence found in Zerko clearly suggests that the SF and ANA forces made a concerted effort to distinguish between civilians and enemy combatants and to ensure that only the latter were targeted in attacks. There is no sign of the kind of "area bombardment" typically indicative of an indiscriminate attack occurring. To the contrary, it is clear that very specific buildings were chosen as targets and destroyed, while other houses in close vicinity were spared from attack. Finally, a school building located right in the middle of the location of the clashes, was spared from aerial attack even though physical evidence suggests that it had almost certainly been used by fighters to launch attacks on SF/ ANA forces.

It can thus safely be concluded that the international and ANA forces did not act indiscriminately in their use of force in Zerko. As the operation caused a substantial number of civilian casualties though, it also needs to be assessed whether these were incurred in compliance with the rules on proportionality.

(iii) *Disproportionate use of force?*

IHL holds that the civilian damage incurred in any military operation must not be excessive or disproportionate in relation to the direct and concrete military advantage anticipated in an operation.

The relatively high number of civilian deaths compared to the number of presumed combatants killed raises the question whether the amount of force used in the Zerko case really was proportionate in relation to the collateral damage caused. The concern is reinforced by the fact that the flat and open terrain in which the fighting took place along with the relative strength of the SF/ ANA deployment cast a strong doubt on the claim that it was impossible for them to withdraw after they had been attacked.

However, there are several indications that the principle of proportionality was in fact adhered to. First, it seems likely that the air-strikes targeting various buildings potentially

containing civilians, were preceded by reasonably effective warnings. This is suggested by several witness statements on both sides, as well as by the fact that in most of the buildings destroyed only a small number of people were killed while most of the normal inhabitants had fled the site. Second, the intensity of the resistance and the relatively heavy weaponry encountered by the SF/ ANA might well have reasonably suggested to them the presence of serious insurgents and/ or high-value targets in the area and thus the existence of an important anticipated military advantage. Third, while the fact that SF/ ANA did not initiate the heavy clashes inside a civilian area does not absolve them from complying with proportionality rules, under IHL this factor must be taken into account in considering the legality of their actions. This applies especially re their decisions as to the exact identity of their attackers and the ultimate military value of the targets attacked in response.

Given the problems involved in ensuring a complete and accurate verification of the actual casualty figures and the reasons that initially caused the clashes, it cannot be determined with certainty whether the use of force by SF/ ANA was proportionate in the circumstances. However, given the points discussed above together with the relative restraint in targeting discussed under (ii) it seems likely that the actions taken and the amount of force utilized by SF/ ANA was in fact proportionate to the military advantage reasonably anticipated by them.

(iv) Endangering of civilians by launching of an attack in populated areas?

It seems likely that SF/ ANA came under attack on entering villages in Zerko on 29 April. This raises serious concerns about the attackers' decision to initiate hostilities within an area relatively densely populated by civilians.

Parties to a conflict are bound to take constant care to spare civilians and their property from the consequences of military operations. The rule includes a prohibition on launching any attacks likely to cause excessive civilian losses and the requirement that the parties take, to the maximum extent feasible, precautions to protect the civilian population under their control against the dangers resulting from military operations.

In the Zerko case, the decision to launch an attack on SF/ ANA forces from within a relatively densely populated civilian area was almost certain to endanger the local population. Despite knowing that such an attack would almost certainly trigger a military response, the attack was not abandoned or relocated and no prior efforts were made to temporarily evacuate the local civilian population.

(v) Blurring of the distinction between civilians and combatants?

The principle of distinction in IHL requires the conflicting parties to distinguish between combatants who may legitimately be targeted and civilians who must be protected from

attack. Maintaining this distinction also requires the parties to refrain from any actions that might blur the lines between the two categories.

Available physical evidence and eyewitness statements strongly indicate that the attacks on SF/ ANA we launched from strictly civilian buildings including several family homes and a school. This use of such civilian property for military purposes clearly blurs the line between civilians and combatants and thus endangers the protection of those not actively involved in hostilities.

General Concerns & Recommendations:

- Obtaining complete and accurate information on the number of civilian casualties and the specific factual background of a case is essential to the assessment of the legality of military conduct in an operation. Given the huge importance of such information, the substantial practical difficulties involved in compiling it (especially security-related restrictions of access) and the severe effect of misinformation several steps should be taken to allow and assist effective independent verification efforts:
 - Attempt to obtain formal assurances of assistance for the AIHRC's verification efforts from all parties to the conflict.
 - Create an effective countrywide mechanism to assure prompt and accurate civilian casualty counts after military operations.
 - Ensure clarification of the mandate and chains of command of international non-ISAF Special Forces and other military and paramilitary personnel operating in Afghanistan.
 - Establish clarification of responsibility of and for Afghan military and paramilitary units completing operations jointly with or under the effective or real command of international forces.
 - Push for the official Rules of Engagement of all troops operating in Afghanistan to be made available to the public or at least to the AIHRC.
- Protection of civilians: See recommendations of previous report.
 - All sides: avoid fighting inside populated territory.
 - Searches: review standard operating procedures to avoid aggravating civilian population.

AFGP-2008-0004104
Batch number: 080925-1
Source Language: DARI
Translation Type: GIST TRANSLATION
Linguist No#: 234
Ops Net # 9993
Log Date: 25 September 2008

Descriptive Title:

GIST: (Who/What/When/Where/How)

DOCUMENT(S) DELIVERED BY CJTF 101, ON 25 SEPTEMBER 2008. ITEM(S) CONSISTS OF: THREE PAGE REPORT ON THE INCIDENT IN AZIZ-ABAD VILLAGE OF SHINDAND DISTRICT IN HERAT PROV INCE

[Translator Comment (TC): For clarity, titles are CAPITALIZED and, where appropriate, double parentheses have been placed around the last name of each person.]

PAGE 1 THRU 3

Report provided by the committee who was assigned to investigate the incident in Aziz-Abad Village located in Shindand District of Herat Province:

AFGP-2008-0004104
Batch number: 080925-1
Source Language: DARI
Translation Type: GIST TRANSLATION
Linguist No#: 234
Ops Net # 9993
Log Date: 25 September 2008

To Whom It May Concern:

As per the order of President Karzai, the following individuals were sent to Herat to investigate the incident:

- -
 -
 -
 -
 -
- (b)(6)

The committee left Kabul Airport at 2:15 pm on September 24th, 2008; via Military Aircraft belonging to the Ministry of National Defense, and arrived at Herat Airport at 4:00 pm.

Immediately after landing, they left for Shindand Garrison via Helicopter. Arriving at Shindand Airport by 5:00pm; without delay, they were transported to the scene, arriving there at 5:30 pm.

The committee was welcomed by government officials and the elders of the region. After the normal traditional greetings, they met with the families and relatives of those who were martyred in the incident.

The incident's details were presented to the committee by (b)(6)

Commander of Border Police as follows:

On the evening of September 23rd, 2008 we getting prepared to Commemorate Martyred Timor, a resident of this village, who was murdered by a man named (b)(6) last year this time. Invitation cards were sent to the Government Authorities of Shindand and friends and relatives of late Timor. [TC: It is an Afghan ritual to invite people to recite Quran and eat afterwards-its called Khatm-e-Quran] All of the food was cooked during the night and we were supposed to feed the guests the next morning at 8:00 am. [TC: Normally guests are feed either lunch or dinner, after the recitation of the Quran is completed and prayers are said]. What happened is: At 2:00 am sounds of gun fire were heard. Firing continually increased. It sounded like it was coming from all directions. Since most people are armed here, they might have fired too. Roaring of firing became louder followed by noises from the bomber aircrafts. Rockets were fired from the planes to the ground and houses came under fire, which made it impossible for the villagers to escape. Rocket fires continued till 5:00am; scattered firing continued till 8:00am. District Authorities were contacted by phone and damages were reported.
[TC: Pages are not numbered. There seems to a page missing here. The wordings do not quite follow what has been said in the previous page]

AFGP-2008-0004104

Batch number: 080925-1

Source Language: DARI

Translation Type: GIST TRANSLATION

Linguist No#: 234

Ops Net # 9993

Log Date: 25 September 2008

The Commando Battalion is here in Herat on an assignment to support Herat Army Corps. Headquarter of the Battalion is in Kabul. The Commando Battalion was here to accomplish joint mission with ISAF forces.

At the end of the day on Sunday September 25th, some undisclosed amounts of money were distributed to the families of the people killed in the incident. The monetary assistance was approved by President Karzai. On Monday September 26th, the committee met with ISAF authorities at the Provincial Government Hall. Members of the committee asked questions about the identities of the sources initiated the report, but was told that identity of the source(s) can not be revealed and operations are not executed based on one report; but after evaluating many reports which could trigger action on the case.

Responses were given to the inquiries of the members of the committee, but they were satisfied by the responses given.

The committee met with the elders of Aziz-Abad village and conveyed President Karzai's greetings and sympathies to them.

Presented by Lieutenant General Mohammad-Yunus ((Noorzai))
Commander of Border Police

Approved for Release

(b)(6)

Approved for Release

(b)(6)

Approved for Release

(b)(6)

AFGP-2008-0004103
Batch number: 080925-1
Source Language: DARI
Translation Type: GIST TRANSLATION
Linguist No#: 248
Ops Net # 9992
Log Date: 25 September 2008

Descriptive Title:

GIST: (Who/What/When/Where/How)

DOCUMENT(S) DELIVERED BY CJTF 101, ON 25 SEPTEMBER 2008. ITEM(S) CONSISTS OF:

[Translator Comment (TC): For clarity, titles are CAPITALIZED and, where appropriate, double parentheses have been placed around the last name of each person.]

Page 1 of 2

Report about American Air and Ground force attack on what is Now Abad, Aziz Abad area (village name), this is what happened on 21st September 2008 by the delegates of different organization of Herat province,

AFGP-2008-0004103
Batch number: 080925-1
Source Language: DARI
Translation Type: GIST TRANSLATION
Linguist No#: 248
Ops Net # 9992
Log Date: 25 September 2008

The Delegates of Deputy of Herat Governor, Security Chief, National Security Chief, Director of Military Prosecution, Director of City Prosecution, Director of Peace Consolidation and other organization; conveyed their sympathy to the families that lost their loved ones in American special force and Afghan National Army commando Unit attack.

Before the delegates arrived at the location in which the incident happened, the people of Shindand district; conducted a demonstration and closed the Kandahar –Herat Highway. To avoid any incident or problems, the delegates met the elders and families of the Martyrs in Shindand Police compound and wait until the conditions were under control in the Aziz Abad area. The elders of Aziz Abad came together in the village Mosque and the delegates met and talked with them. After their conversation with the elders they found out that on the night of first day of the month, they found 67 bodies of (men, women and children), the next day they found 24 bodies under destroyed building which totaled 90 bodies. Fifteen bodies were women, 13 bodies were elders and 2 bodies were middle aged men, 60 bodies were children under 18 years old so the majority of the bodies were children. The martyrs were identified by their parents and elders of the village in the conversation. Based on conversation with the elders, it seemed as though most of the youth of Aziz Abad village are working for different companies [TC: the name of the companies were unclear] for a living,

Page 2 of 2

They showed their Identification cards to the delegates; of the youths that were working for the foreign companies; and were issue them. Also the delegate saw the cooked food which was prepared for the after holly Quran reciting, People of the village came together to prepare food. The invitation cards that (b)(6) the elder of the tribe and the village sent out for reciting Quran to some people were also showed to the delegates. The invitations prove that the people came together to cook food. After the delegates did the necessary tasks, they convey their sympathy again.

Also, another high level delegate which consisted of the Minister of Haj and affairs, delegates of the Parliament visit Aziz Abad village and convey their sympathy, also they looked at the destroyed area.

The following report has been written as above and sent it to you.

Best regard,

Signed by above delegates

[Translator Comment (TC): For clarity, titles are CAPITALIZED and, where appropriate, double parentheses have been placed around the last name of each person.]

Page 1 of 4

The list of the victims killed on the historic date of 21-22 August 2008, around the Region of Now-Abad, in Aziz-Abad Village of Shindand District

No	Identity		Address			Tribe	Age	Gender	Remarks
	Name	Father's Name	Village	District	Province				
Male Victims - Killed									
1	Abdul-Reza ✕	(b)(6)	Aziz-Abad	Shindand	Herat	Noorzayi	45	Male	
2	Tahir ✕		Aziz-Abad	Shindand	Herat	Noorzayi	38	Male	
3	Bur-Khan ✕		Aziz-Abad	Shindand	Herat	Noorzayi	82	Male	
4	Habib ✕		Aziz-Abad	Shindand	Herat	Noorzayi	76	Male	
5	Noor-Mohammad ✕		Aziz-Abad	Shindand	Herat	Noorzayi	82	Male	
6	Abdul-Rashid ✕		Aziz-Abad	Shindand	Herat	Noorzayi	40	Male	
7	Mohammad ✕		Aziz-Abad	Shindand	Herat	Noorzayi	30	Male	
8	Shair-Ahmad		Aziz-Abad	Shindand	Herat	Noorzayi	35	Male	
9	Subhat ✕		Aziz-Abad	Shindand	Herat	Noorzayi	50	Male	
10	Abdul-Zahir		Aziz-Abad	Shindand	Herat	Noorzayi	40	Male	
11	Mohammad-Ali ✕		Aziz-Abad	Shindand	Herat	Is-Haqzai	90	Male	
12	Mohammad-Khan ✕		Aziz-Abad	Shindand	Herat	Is-Haqzai	50	Male	
13	Mohammad-Lal ✕		Aziz-Abad	Shindand	Herat	Is-Haqzai	40	Male	
14	Bahauddin ✕		Aziz-Abad	Shindand	Herat	Is-Haqzai	60	Male	
15	Abdul-Halim		Aziz-Abad	Shindand	Herat	Is-Haqzai	18	Male	
Female Victims - Killed									
16	Reza's Wife ✕	(b)(6)	Aziz-Abad	Shindand	Herat	Noorzayi	30	Female	
17	Timor-Shah's Wife ✕		Aziz-Abad	Shindand	Herat	Noorzayi	32	Female	
18	Tahir's Wife ✕		Aziz-Abad	Shindand	Herat	Noorzayi	31	Female	
19	Bur-Khan's Wife ✕	(b)(6)	Aziz-Abad	Shindand	Herat	Noorzayi	73	Female	
20	Paykai ✕		Aziz-Abad	Shindand	Herat	Noorzayi	17	Female	
21	Soraiya ✕		Aziz-Abad	Shindand	Herat	Noorzayi	32	Female	

22	Samira	✓	(b)(6)	Aziz-Abad	Shindand	Herat	Noorzayi	25	Female	
23	Shirin	✓		Aziz-Abad	Shindand	Herat	Noorzayi	60	Female	
24	Zulaikha	✓		Aziz-Abad	Shindand	Herat	Noorzayi	35	Female	

Page 2 of 4

25	Bari-Gul	✓	(b)(6)	Aziz-Abad	Shindand	Herat	Noorzayi	22	Female	
26	Saido-Khan's Wife	✓		Aziz-Abad	Shindand	Herat	Noorzayi	27	Female	
27	Gul-Rukh	✓		Aziz-Abad	Shindand	Herat	Noorzayi	30	Female	
28	Sa'at's Wife	✓		Aziz-Abad	Shindand	Herat	Noorzayi	25	Female	
29	The mother of Mohammad-Amin	✓		Aziz-Abad	Shindand	Herat	Noorzayi	60	Female	
30	Bobuddin's Wife	✓		Aziz-Abad	Shindand	Herat	Noorzayi	50	Female	

Youngster Victims - Killed

31	Sia-Moe	✓	(b)(6)	Aziz-Abad	Shindand	Herat	Noorzayi	14	Female	
32	Samira	✓		Aziz-Abad	Shindand	Herat	Noorzayi	8	Female	
33	Sayed-Ahmad	✓		Aziz-Abad	Shindand	Herat	Noorzayi	6	Female	
34	Arozu	✓		Aziz-Abad	Shindand	Herat	Noorzayi	12	Female	
35	Roma	✓		Aziz-Abad	Shindand	Herat	Noorzayi	10	Female	
36	Kubra	✓		Aziz-Abad	Shindand	Herat	Noorzayi	8	Female	
37	Ruya	✓		Aziz-Abad	Shindand	Herat	Noorzayi	5	Female	
38	Aman	✓		Aziz-Abad	Shindand	Herat	Noorzayi	8 Months	Male	
39	Mal-Dar	✓		Aziz-Abad	Shindand	Herat	Noorzayi	15	Female	
40	Saleem	✓		Aziz-Abad	Shindand	Herat	Noorzayi	8	Male	
41	Sakina	✓		Aziz-Abad	Shindand	Herat	Noorzayi	18	Female	
42	Nasima	✓		Aziz-Abad	Shindand	Herat	Noorzayi	8	Female	
43	Mohammad-Aref	✓		Aziz-Abad	Shindand	Herat	Noorzayi	7	Male	
44	Mohammad-Asif	✓		Aziz-Abad	Shindand	Herat	Noorzayi	5	Male	
45	Feraiba	✓		Aziz-Abad	Shindand	Herat	Noorzayi	5	Female	
46	Nigeena	✓		Aziz-Abad	Shindand	Herat	Noorzayi	2	Female	
47	Mir-Agha	✓		Aziz-Abad	Shindand	Herat	Noorzayi	14	Male	
48	Mohammad-Agha	✓		Aziz-Abad	Shindand	Herat	Noorzayi	15	Male	
49	Ghulam-Siddiq	✓		Aziz-Abad	Shindand	Herat	Noorzayi	1	Male	
50	Aqela	✓		Aziz-Abad	Shindand	Herat	Noorzayi	7	Female	
51	Sakina	✓		Aziz-Abad	Shindand	Herat	Noorzayi	5	Female	

52	Shakila		Aziz-Abad	Shindand	Herat	Noorzayi	3	Female	
53	Omaid		Aziz-Abad	Shindand	Herat	Noorzayi	3	Male	
54	Durani		Aziz-Abad	Shindand	Herat	Noorzayi	7	Male	
55	Gulalai		Aziz-Abad	Shindand	Herat	Noorzayi	5	Female	
56	Jon-Shair		Aziz-Abad	Shindand	Herat	Noorzayi	16	Male	
57	Khuda-Dad		Aziz-Abad	Shindand	Herat	Noorzayi	9	Male	
58	Nabi-Jon		Aziz-Abad	Shindand	Herat	Noorzayi	10	Male	
59	Taza-Gul		Aziz-Abad	Shindand	Herat	Noorzayi	3	Male	
60	Maida-Gul		Aziz-Abad	Shindand	Herat	Noorzayi	2	Female	
61	Zia-Gul		Aziz-Abad	Shindand	Herat	Noorzayi	1	Female	
62	Sayed-BIBI		Aziz-Abad	Shindand	Herat	Noorzayi	Six months	Female	
63	Shair-Ahmad		Aziz-Abad	Shindand	Herat	Noorzayi	3	Male	
64	BIBI Gul		Aziz-Abad	Shindand	Herat	Noorzayi	4	Female	
65	Shafiq		Aziz-Abad	Shindand	Herat	Noorzayi	2	Female	
66			[TC: No 66 is missing]						
67	Bashar		Aziz-Abad	Shindand	Herat	Noorzayi	7	Male	
68	Son of		Aziz-Abad	Shindand	Herat	Noorzayi	10	Male	
69	Son of		Aziz-Abad	Shindand	Herat	Noorzayi	3	Male	
70	Son of		Aziz-Abad	Shindand	Herat	Noorzayi	8	Male	
71	Daughter of		Aziz-Abad	Shindand	Herat	Noorzayi	12	Female	
72	Daughter of		Aziz-Abad	Shindand	Herat	Noorzayi	5	Female	
73	Daughter of		Aziz-Abad	Shindand	Herat	Noorzayi	9	Female	
74	Son of		Aziz-Abad	Shindand	Herat	Noorzayi	4	Male	
75	Daughter of		Aziz-Abad	Shindand	Herat	Noorzayi	7	Female	
76	Ghani-Jon		Aziz-Abad	Shindand	Herat	Noorzayi	7	Male	
77	Rahima		Aziz-Abad	Shindand	Herat	Noorzayi	3	Female	
78	Shafi		Aziz-Abad	Shindand	Herat	Noorzayi	Four months	Male	
79	Son of		Aziz-Abad	Shindand	Herat	Noorzayi	8	Male	
80	Daughter of		Aziz-Abad	Shindand	Herat	Noorzayi	5	Female	
81	Gulghotai		Aziz-Abad	Shindand	Herat	Noorzayi	10	Female	
82	Akhtar-Mohammad		Aziz-Abad	Shindand	Herat	Is-Haqzai	6	Male	
83	Khodai-Rahm		Aziz-Abad	Shindand	Herat	Is-Haqzai	3	Male	

(b)(6)

84	Qamar-Gul		(b)(6)	Aziz-Abad	Shindand	Herat	Is-Haqzai	10	Female	
85	Zahra-Gul			Aziz-Abad	Shindand	Herat	Is-Haqzai	5	Female	
86	Wakil-Ahmad			Aziz-Abad	Shindand	Herat	Is-Haqzai	8	Male	
87	Nazaneen			Aziz-Abad	Shindand	Herat	Is-Haqzai	8	Female	
88	Rahim-Gul			Aziz-Abad	Shindand	Herat	Is-Haqzai	9	Male	
89	Ibrahim			Aziz-Abad	Shindand	Herat	Is-Haqzai	12	Male	
90	Esmatullah			Aziz-Abad	Shindand	Herat	Is-Haqzai	13	Male	
Victims - Injured										
91		(b)(6)	Aziz-Abad	Shindand	Herat	Is-Haqzai		Male		
92			Aziz-Abad	Shindand	Herat	Is-Haqzai		Female		
93			Aziz-Abad	Shindand	Herat	Is-Haqzai		Female		
94			Aziz-Abad	Shindand	Herat	Is-Haqzai		Male		
Page 4 of 4										
95		(b)(6)	Aziz-Abad	Shindand	Herat	Is-Haqzai		Male		
96			Aziz-Abad	Shindand	Herat	Is-Haqzai		Female		

According to above chart, 15 men, 15 women, and 60 youngsters, below 18 years old were killed. [TC: only 59 were reported, No 66 is missing]
Six were injured. Five were captured. Eight homes are completely destroyed. Seven other homes were damaged. Two cargo vehicles also suffered damages.

Sincerely,

Singed by:

1. The Mayor of the city
2. Military Prosecutor
3. National Security Director of Herat
4. Provincial Security and Legal Advisor
5. National Security Deputy of Herat Province
6. Counter Terrorism Representative – Police Department of Herat Province
7. Representative from Criminal Department - Police Department of Herat Province
8. Police Chief of Herat Province
9. Director of Herat Provincial Assembly

Note: the identity of the individuals who were detained:

1. [TC: the name is hard to read, but it could be] (b)(6) 13 years old from Is-Haqzai Tribe
2. (b)(6)

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Approved for Release

(b)(6)



ICRC

Kabul, 17 September 2008
KAB 08/1308

Confidential

Sir,

The International Committee of the Red Cross (ICRC) wishes to bring to your attention some disturbing allegations concerning an incident that took place in Azizabad, Shindand District, Herat Province, in the early morning hours of Friday 22 August 2008, involving air strikes and a subsequent search and arrest operation. The operation was allegedly carried out by Coalition and Afghan Forces, and reportedly resulted in the killing of a large number of civilians that were not directly participating in hostilities.

Four days after the attack, on 26 August 2008, a team of ICRC delegates went to the site of the attack at Nowabad, a hamlet that forms part of the larger village of Azizabad. The team met with 24 villagers and collected detailed individual testimonies from 15 individuals who directly witnessed part of the incident or its immediate aftermath. An ICRC team returned to the site on 31 August to cross check information gathered during the first visit and to distribute emergency assistance.

General David McKiernan
Commanding General
International Security Assistance Force
Kabul
Islamic Republic of Afghanistan

c.c. Major General Jeffrey J. Schloesser, Commanding, CJTF-101, Bagram Airfield

(b)(6)

Annex A to this letter contains a summary description of the events, based on detailed interviews with 15 witnesses. The interviews were held separately and in different locations within the village.

Annex B contains a list of persons killed and injured in the course of this military operation. According to the reports 91 persons were killed and 9 persons wounded. Of the 91 persons allegedly killed, 17 were men, 17 women and 57 children. Of the 17 men, 6 were allegedly elderly. A list of 5 persons arrested in the course of the operation and transferred to Shindand Base, four of whom were released after one week, is contained in Annex A.

Annex C contains a map indicating the location of Azizabad Village.

Annex D contains sketches indicating the relative position of the compounds most affected by the operation of that night.

Annex E is a copy of the invitation for a ceremony in remembrance of a deceased member of the family of (b)(6) which was to take place on 22 August in Nowabad.

Annex F is an example of the leaflets that were dispersed in large numbers in Nowabad following the search operation the following morning.

On 26 August, the ICRC team saw 23 freshly dug graves allegedly containing the remains of 40 adults and 9 children at a cemetery next to Nowabad, which belongs to the family of (b)(6). Judging by the positioning of the tombstones, 12 of the graves held remains of female victims. According to the villagers, victims belonging to other families were buried in two other locations in the Azizabad area; in Shawz; and in Farah. The ICRC team was not able to verify these allegations.

The ICRC is gravely concerned about the high number of civilian casualties allegedly caused by the above-mentioned military operation. The ICRC was told by the elders of Nowabad Village that there were no armed opposition fighters in the area and no prior incidents opposing any armed entities, which could have provoked this operation. The elders said that many adult men of Nowabad worked for the private security company Armor Group, which provides services to the nearby US Base in Shindand, while others were enlisted as soldiers in the Afghan National Army or worked for the Afghan police.

The villagers alleged that after midnight on 22 August, troops approached Nowabad and positioned themselves at the entrance to the village. Three civilian vehicles entered the village and fired flares onto the roof of one of the houses. The vehicles then left the village; meanwhile the sound of aircrafts could be heard overhead. Soon after, a first missile or bomb hit the house. This marked the beginning of a series of air strikes affecting a number of compounds in Nowabad, which lasted several hours.

The villagers further stated that during a search operation by joint US and Afghan forces on 22 August, some hours after the air strikes, money, jewellery and other va-

valuables were confiscated in private houses by what appeared to be for the most part Afghan personnel, for which no individual receipts were given to the concerned families.

Customary international humanitarian law requires the parties to the conflict to, at all times, distinguish between civilians and combatants.¹ It is prohibited to direct attacks at civilians and / or civilian objects. In addition, indiscriminate attacks, e.g. attacks not directed at a specific military objective are prohibited. Similarly, attacks which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated are also prohibited.

Constant care must be taken to spare the civilian population. All feasible precautions must be taken to avoid, and in any event to minimise, incidental loss of civilian life, injury to civilians and damage to civilian objects in the conduct of military operations, including precautions in the choice of means and methods of warfare. In addition, everything feasible must be done to verify that targets are military objectives.

If it becomes apparent that the target is not a military objective of that the attack may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated, everything feasible must be done to cancel or suspend the attack. Effective advance warning of attacks which may affect the civilian population must be given, unless circumstances do not permit.

Regarding the allegations that money and valuables were taken by the ground forces and not returned, the ICRC wishes to recall that under customary rules of international humanitarian law, the seizure of the property of an adversary is prohibited, unless required by imperative military necessity. Pillage is prohibited.

Finally, the ICRC wishes to recall that under customary international humanitarian law, each party to the conflict must respect and ensure respect for international humanitarian law by its armed forces as well as by other persons or groups acting either on its instructions, or under its direct control.

It needs to be emphasized that the identities of the witnesses referred to in the Annexes are communicated to the US military authorities in Afghanistan for the purpose of internal investigation only. All witnesses named in the Annexes have explicitly agreed for their identities to be shared with the US military authorities, but have not given their explicit consent for their identities to be passed on to other entities or organizations, be they political, military, law enforcement, or otherwise. Should the need arise in the course of the inquiry for this information to be shared more widely, and in particular with any entity or organization other than the US military, the ICRC wishes to be consulted beforehand in order to be able to inform the concerned families and to obtain their consent.

¹ The term "combatant" in this context is used in its generic meaning, indicating persons who do not enjoy the protection against attack accorded to civilians, but does not imply a right to combatant status or prisoner-of-war status.

The ICRC urges the concerned authorities to fully investigate the above-mentioned allegations, and to take appropriate measures to deal with any violations of international humanitarian law that may have occurred, including through sanctions, as required. Measures should also be considered to prevent the recurrence of such incidents, for example by amending training and procedures. The ICRC wishes to be informed of the outcome of any such enquiry.

Thanking you for your attention on this matter, we remain

(b)(6)

Enclosure:

Annex A:	Summary description of events
Annex B:	List of victims
Annex C:	Map of Shindand area
Annex D:	Sketch of the approximate location of compounds at the centre of the operation
Annex E:	Copy of invitation card for a ceremony in remembrance of Timur Shah in Nowabad
Annex F:	Copy of a leaflet found in the alleys of Nowabad in the wake of the operation

Summary description of events

It has to be stressed that the events described below are allegations. They are presented as narrated by the witnesses interviewed by the ICRC whose identities are indicated below.

Nowabad Hamlet, Azizabad Village, Shindand District, Herat Province, on the night of 21-22 August 2008

Compound A: Compound of
Compound B: Compound of
his cousin
Compound C: Compound of
Compound D: Compound of
Compound E: Compound of
Compound F: Compound of
Compound G: Compound of

(b)(6)

(b)(6)

Compound H: Compound of an individual who did not want his identity to be disclosed to the authorities (name on file, witness #6)

Compound I: Compound of
Compound K: Compound of
Compound L: Compound of

(b)(6)

(witnesses #9 and 10)

All interviews were conducted on 26 August 2008 at Nowabad.

Sources:

1. Interview with (b)(6) lost 17 relatives in the attack, including his brother Reza Khan. He witnessed the beginning of the attack on Reza Khan's compound (Compound A) while at home (Compound C) and subsequently hid with his family a compound in a different part of the village (Compound D). When he returned home the following morning, his house had been searched and jewellery and 140'000 Afghani were missing.
2. Interview with (b)(6) (b)(6) is the brother of witness #1. He lost 17 relatives in the attack, including his brother Reza Khan. He was not present during the event, but witnessed the aftermath of the attack the following morning, and was involved in collecting and burying the dead.
3. Interview with (b)(6) is the son of witness #1. He was sent by his father after the attack from Compound D, where the family was hiding, to their family home (Compound C) to survey the damage. He was temporarily detained on Friday by US forces in front of the mosque.

her son inside the house with bullet wounds. Gold jewellery and 100'000 Afghani were missing.

11. Interview with (b)(6)
(b)(6) His house was not damaged by air strikes. He was temporarily detained on Friday morning by US soldiers near the mosque. When he returned home, the house had been searched and 30'000 Afghani were missing.
12. Interview with (b)(6) His house was not affected by air strikes. He was temporarily detained on Friday morning by US soldiers near the mosque. When he returned home, the house had been searched and 90'000 Afghani were missing.
13. and 14. Interviews with (b)(6)
(b)(6) Their families were in (b)(6) compound, helping with the preparations for the upcoming ceremony (Compound E). This compound is adjacent to Reza Khan's (Compound A). Both brothers were not present during the events. (b)(6) works for Armor Group and was on night duty as a security guard at Shindand Airbase. (b)(6) is a police officer and stationed in nearby Farahrood. They both returned to the scene of the incident on Friday morning and found their father's compound in ruins. They spent the rest of the day recovering the bodies of their family members from the rubble. (b)(6) is husband and father to 5 victims and (b)(6) husband and father to 7 other victims.
15. Interview with (b)(6) His house was not affected by air strikes. He was temporarily detained on Friday morning by US soldiers near the mosque. When he returned to his house, the house had been searched and 70'000 Afghani were missing.

Nowabad is a hamlet that forms part of the larger village of Azizabad. It is located in Shindand district, Herat Province (see Annex C). Annex D contains the approximate layout of the parts of the village most affected by the events.

Nowabad is the home of the family of the late (b)(6). Eight months ago, members of a rival clan killed Timur Shah, (b)(6) who had been heading (b)(6) family since his father's death. A ceremony was scheduled to take place on 22 August 2008 in Nowabad in remembrance of Timur Shah. Members of (b)(6) extended family had arrived in Nowabad from neighbouring villages to help with the preparations. The ceremony was to include morning prayers and recitations of the Koran, followed by a lunch for some 300 invitees from Azizabad, Shindand, Zerkoh and Herat areas. The Governor of Shindand and the police chiefs of Shindand and Azizabad were, according to (b)(6) (witness #1), also invited. In the night of 21/22 August, some 30 members of the clan of (b)(6) were preparing the planned meal in two houses, one of which belonged to Reza Khan, brother of the late Timur Shah (Compound A).

(b)(6) family had been sleeping in the courtyard under mosquito nets. They escaped to a neighbouring compound (Compound G).

This compound (Compound G) was home to three families: The family of (b)(6) (b)(6) (5 persons); of his son (b)(6) (7 persons);² and of (b)(6) (6 persons). There were no eyewitnesses to what followed. The following morning, villagers found the mosquito nets in the courtyard of Compound F empty, and a bomb crater in the middle of the courtyard. From the rubble of Compound G, which had been hit by several air strikes, the villagers recovered a total of 30 bodies, including all members of the families of (b)(6) of (b)(6) and of (b)(6) as well as the body of (b)(6) is a brother-in-law of (b)(6) and a soldier in the Afghan National Army stationed in Kandahar.

During the air strikes, the families of (b)(6) and his two sons (b)(6) were gathered in two adjacent compounds (Compound I), which comprise of several rooms at a certain distance from each other to allow for some privacy. Another son (b)(6) (witness #7), lives in a separate compound nearby. The families of (b)(6) had been staying in separate locations within the compounds. Several hours into the attack (witness #7 estimated it to be around 04:00 am), their compounds were hit by successive air strikes. (b)(6) could hear from the noises in the neighbouring compounds that his father and two brothers and their families were running back and forth between different rooms in an attempt to escape the strikes. The following morning, (b)(6) found the rooms that had housed his father's and his two brothers' families reduced to rubble. From the ruins, he recovered 11 bodies, including the bodies of his father, of his two brothers and of (b)(6) wife.

At around the same time, the compound of (b)(6) (Compound E) where his wife and daughter as well as the families of his two sons (b)(6) (witnesses #13 and 14) were helping with the preparation for the day's ceremony, was hit by air strikes. Both sons were absent that night. (b)(6) works for Armor Group and was on duty as a security guard at Shindand Airbase. (b)(6) is a police officer and stationed in nearby Farahrood. When they returned to the scene of the incident on Friday morning, (b)(6) compound next to Reza Khan's was in ruins and all their family members who had been present that night had been killed. The circumstances of their father's death remained unclear (see further below). In addition to their parents and a sister, (b)(6) lost his wife, 3 of his own children and another child who lived in his household. (b)(6) lost his wife and his 6 children.

The compound of (b)(6) rented from (b)(6) (witness #8) was also targeted by an air strike, without causing any casualties.

Early on Friday morning, US and Afghan troops entered the village and began a search and arrest operation targeting several compounds. Regarding this second phase of the incident, testimonies regarding five distinct events were collected. The precise sequence of these events could not be established:

² This is not the same individual as

³ This is not the same individual as

(b)(6)

blindfolded and, along with many other villagers, was taken to the square in front of the village mosque and detained for about two hours.

3. Reza Khan's brother (b)(6) (witness #1), who lives in Compound C, diagonally across from Reza Khan's house on the other side of the pathway, had gathered his family after the first air strike on his brother's house and fled to another compound situated in a different part of the village (Compound D). He remained there together with his family until the following morning.

After the end of the air strikes, (b)(6) (witness #3) to his home (Compound C) to survey the damage and check whether it was safe to return. (b)(6) found the compound deserted but untouched by the air strikes of that night. While standing in the courtyard of the compound, Afghan personnel in military uniform broke open the gate of the compound. (b)(6) was arrested, thrown to the ground and kicked and punched while being handcuffed. The uniformed personnel then set fire to a small annex to the house. (b)(6) was briefly interrogated about the presence of Taliban in the village to which he replied that there were none. During the interrogation, he was lifted into the air, brought near the annex and threatened to be thrown alive into the flames. Eventually, he was taken to the square in front of the village mosque and detained for about two hours.

4. During the search operation the following morning, a number of villagers whose compounds were not affected by air strikes that night were rounded up in their homes by US and Afghan troops. A number of them reported that they were handcuffed and blindfolded and taken to the main square in front of the mosque of Nowabad. There, they were made to kneel in a line for a couple of hours, while soldiers took off their blindfolds one-by-one and took pictures of their faces. Other soldiers wrote their identities on the back of their clothing, together with what appeared to be a sort of serial number, e.g.:

TG 6
BG 51
(Name)

Several witnesses stated that they were asked about the presence of Taliban and "Arabs" in Nowabad, and replied that there had never been any insurgents in the village as most adult males were working with the government, either as members of the Afghan security forces or as employees of the private contractor Armor Group.

All but 5 of the persons detained in front of the mosque were released later that morning. The flexicuffs were removed, and they were asked to keep the blindfolds on until the soldiers had left the village. When they returned home, those listed below found that their houses had been searched and that the metal trunks, in which villagers traditionally keep their valuables, had been forced open, with jewellery and money missing. They were not given any receipts.

(b)(6)	Jewellery and 140'000 Afghani Five prayer carpets and 10'000 Afghani Jewellery and 100'000 Afghani 30'000 Afghani 90'000 Afghani
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Annex B:

List of persons allegedly killed in Nowabad area, Azizabad Village, Shindand District, Herat Province on 22 August 2008 according to witness statements:

No	Name	Father's name	Sex	Age	Family Responsible	Village
	(b)(6)	kinship				
1	Reza Khan		M	45	Reza Khan	Nowabad
2	Wife of Reza Khan		F	30	Reza Khan	Nowabad
3	Syah Moy		F	14	Reza Khan	Nowabad
4	Sameera		F	8	Reza Khan	Nowabad
5	Sayed Ahmad		M	6	Reza Khan	Nowabad
6	Timoor Shah's wife		F	32	Timur Shah	Nowabad
7	Arazoo		F	12	Timur Shah	Nowabad
8	Roomah		F	10	Timur Shah	Nowabad
9	Kobra		F	8	Timur Shah	Nowabad
10	Roya Jan		F	5	Timur Shah	Nowabad
11	Amanullah		M	8	Timur Shah	Nowabad
12	Zaher		M	38		Nowabad
13	Meelo		F	31		Nowabad
14	Saleem		M	8		Nowabad
15	Sakeena		F	20		Nowabad
16	Maldaar		F	15		Nowabad
17	Naseema		F	6		Nowabad
18	Mohammad Aref		M	7		Nowabad
19	Mohammad Asef		M	5		Nowabad
20	Fareeba		F	5		Nowabad
21	Negeena		F	2		Nowabad
22	Bor Jan	(b)(6)	M	82		Nowabad
23	Saida		F	73		Nowabad
24	Peekai		F	17		Nowabad
25	Soraiya wife of Daoud		F	32		Nowabad
26	Mir Agha		M	18		Nowabad
27	Mohammad Agha		M	15		Nowabad
28	Ghulam Seddiq		M	1	(b)(6)	Nowabad
29	Aaqela		F	7		Nowabad
30	Shakeeba		F	5		Nowabad
31	Shakeela		F	3		Nowabad
32	Sameera wife of Sohlat		F	25		Nowabad
33	Omeed		M	3		Nowabad
34	Dorrani		F	7		Nowabad
35	Goldana		F	5		Nowabad
36	Jahansher		M	16		Nowabad
37	Habib		M	76		Nowabad
38	Khodai Dad		M	9		Nowabad
39	Nour Mohammad		M	82		Nowabad
40	Sheerin (wife no 1)		F	60		Nowabad
41	Zolaikha (wife no 2)		F	35		Nowabad
42	Nabi Jan		M	10		Nowabad
43	Taza Gul		M	3		Nowabad
44	Maida Gul		F	2		Nowabad

The identities of the victims and witnesses listed in this document are communicated to the US military authorities in Afghanistan for the purpose of internal investigation only. Should the need arise in the course of the inquiry for this information to be shared with any entity or organization other than the US military, the ICRC wishes to be consulted beforehand.

List of persons allegedly injured in Nowabad area, Azizabad Village, Shindand District, Herat Province on 22 August 2008 according to witness testimonies

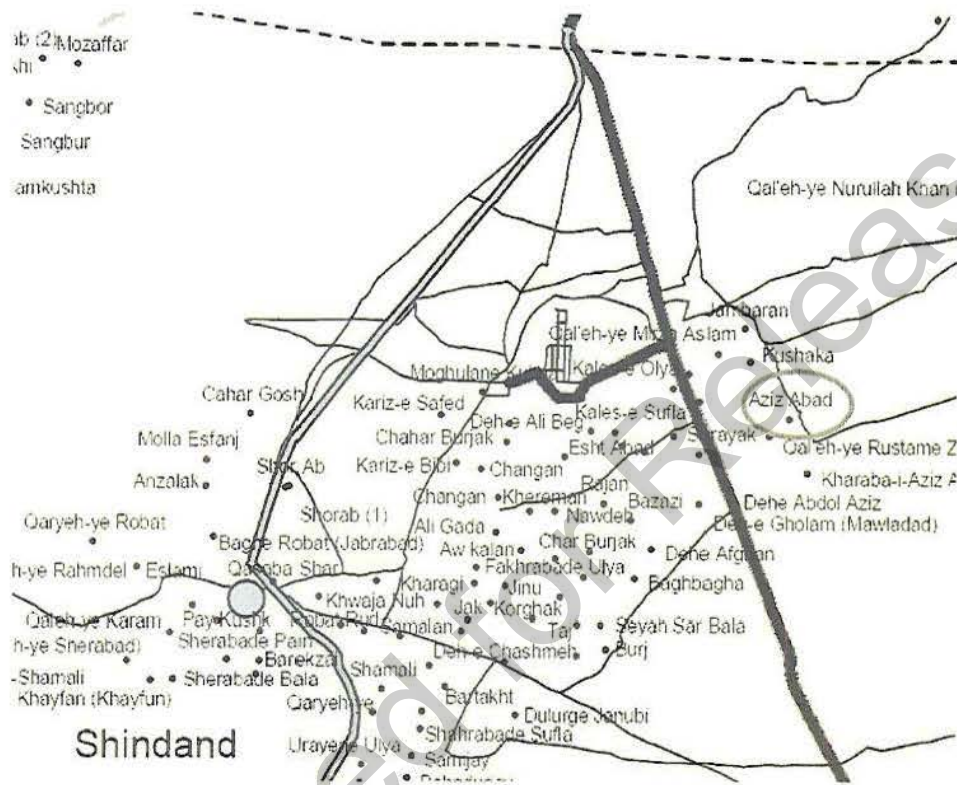
No	Name	Father Name	Age
1	(b)(6)		22
2			41
3			27
4			45
5			18
6			22
7			20
8			26
9			55

Approved for Release

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Annex C:

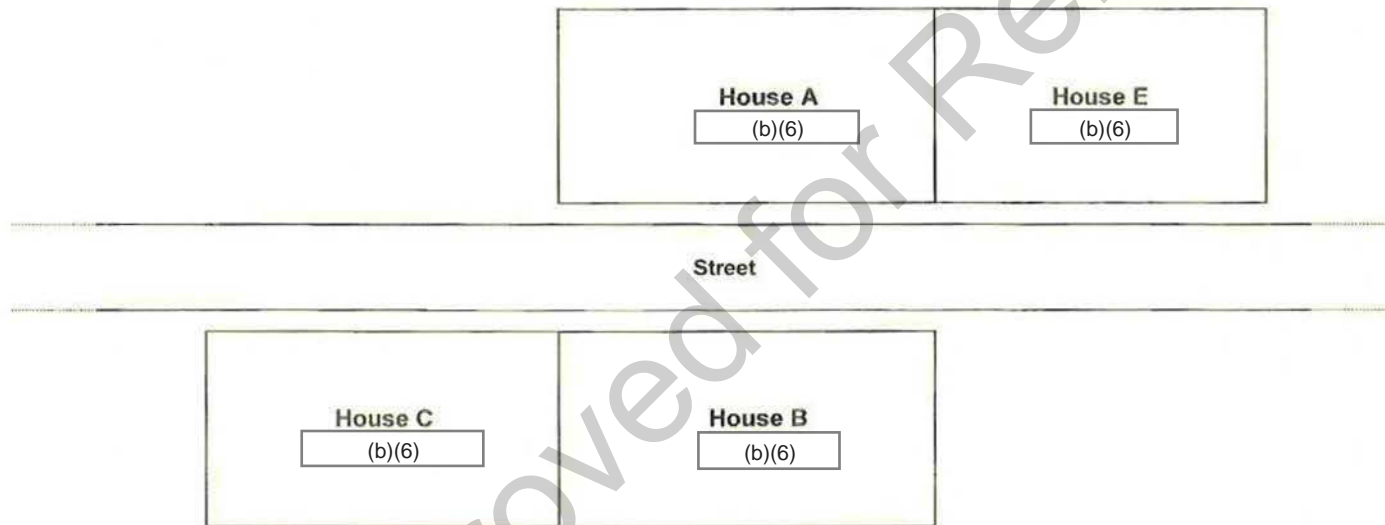
Approximate location of Azizabad Village, Shindand District, Herat Province



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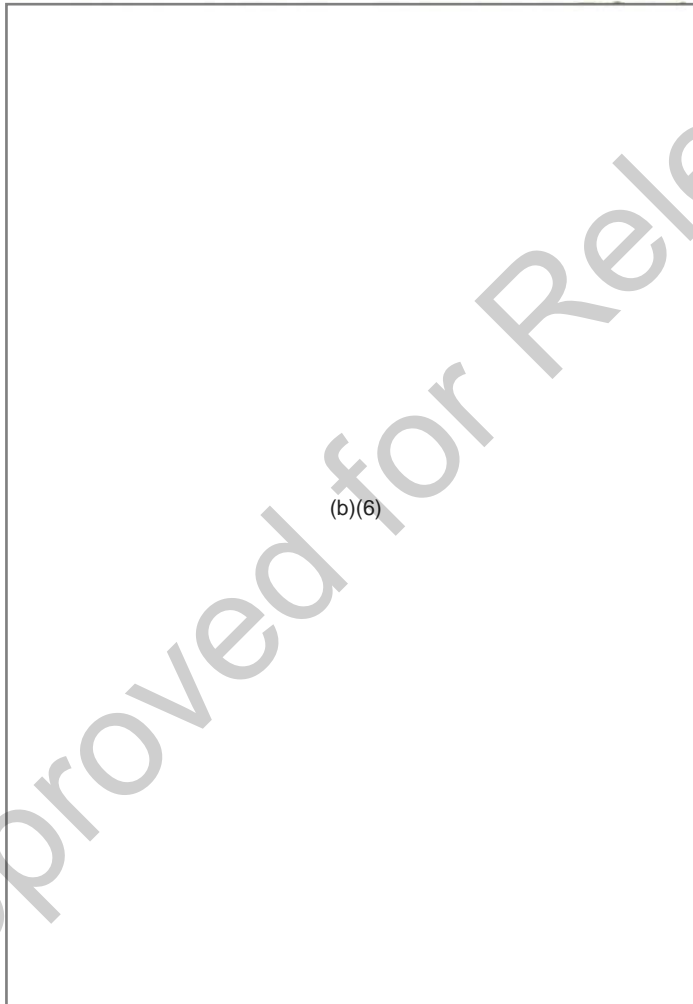
Annex D:

Sketch of approximate location of compounds:



Annex E:

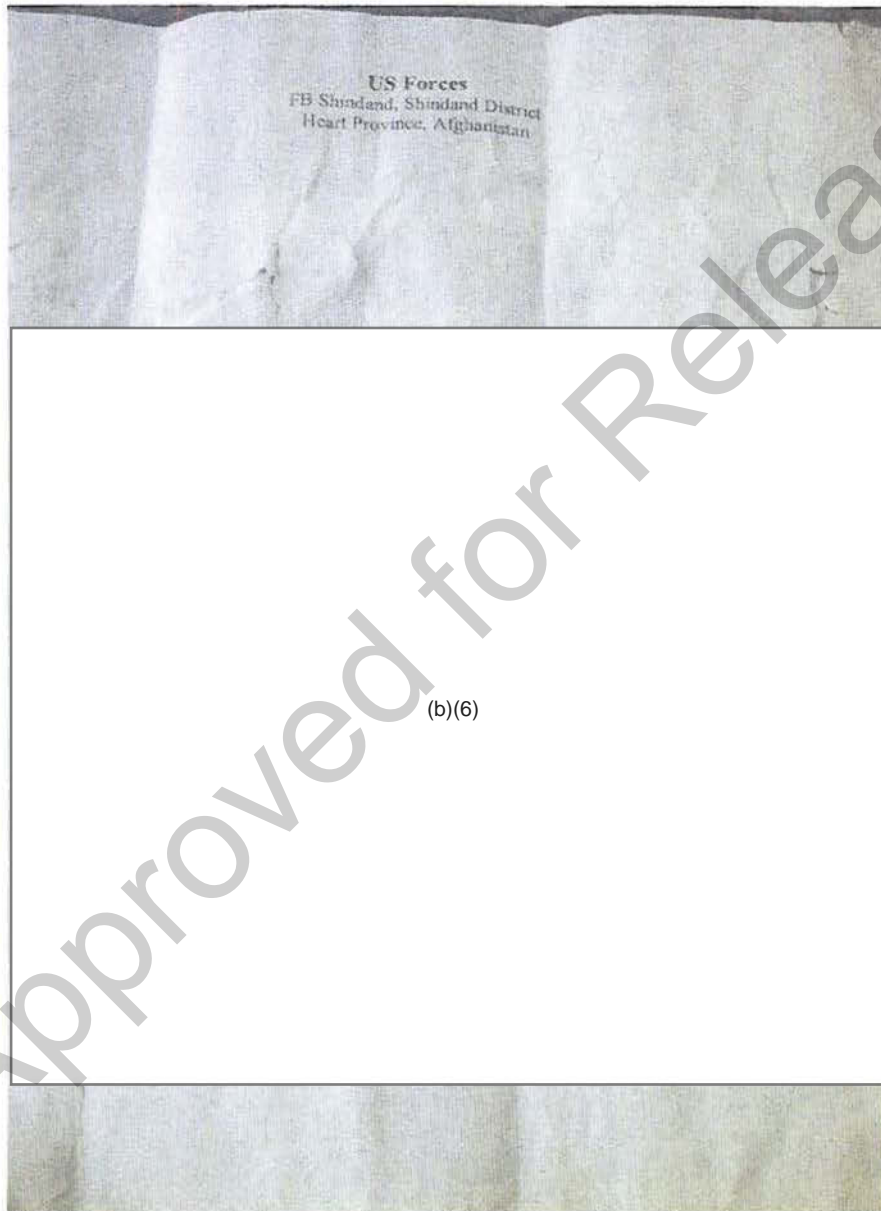
Invitation card for a ceremony in remembrance of Timur Shah (b)(6) at
Nowabad, Azizabad Village, Shindand District, on 22 August 2008



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Annex F:

Leaflet allegedly found in the streets of Nowabad on 22 August after the search operation



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Trail of Evidence Points to High Civilian Toll in Afghan Raid



REZA SHIRMOHAMMADI/AGENCE FRANCE-PRESSE — GETTY IMAGES

RAID'S AFTERMATH An Afghan woman in a hospital in Herat. She was said to have been wounded in an Aug. 22 American air raid on Azizabad. Afghans say more than 90 civilians died in the raid, a figure that the United States has disputed.

By CARLOTTA GALL

AZIZABAD, Afghanistan — To the villagers here, there is no doubt what happened in an American airstrike on Aug. 22: more than 90 civilians, the majority of them women and children, were killed.

The Afghan government, human rights and intelligence officials, independent witnesses and a United Nations investigation back up their account, pointing to dozens of freshly dug graves, lists of the dead, and cellphone videos and other images showing bodies of women and children laid out in the village mosque.

Cellphone images seen by this reporter show at least 11 dead children, some apparently with blast and concussion injuries, among some 30 to 40 bodies laid out

in the village mosque. Ten days after the airstrikes, villagers dug up the last victim from the rubble, a baby just a few months old. Their shock and grief is still palpable.

For two weeks, the United States military has insisted that only 5 to 7 civilians, and 30 to 35 militants, were killed in what it says was a successful operation against the Taliban: a Special Operations ground mission backed up by American air support. But on Sunday, Gen. David D. McKiernan, the senior American commander in Afghanistan, requested that a general be sent from Central Command to review the American military investigation in light of "emerging evidence."

"The people of Afghanistan have our commitment to get to the truth," he said in

a statement.

The military investigation drew on what military officials called convincing technical evidence documenting a far smaller number of graves than the villagers had reported, as well as a thorough sweep of this small western hamlet, a building-by-building search a few hours after the airstrikes, and a return visit on Aug. 26, which villagers insist never occurred.

The repercussions of the airstrikes have consumed both the Afghan government and the American military, wearing the patience of Afghans at all levels after repeated cases of civilian casualties over the last six years and threatening to erode their tolerance for the presence of foreign

Continued on Page A11

Trail of Evidence Points to High Civilian Toll in Afghan Raid

From Page A1

forces in Afghanistan. President Hamid Karzai visited Azizabad on Thursday to pay his respects to the mourners, condemning the strikes, and vowing to arrest an Afghan he says misled American forces with false intelligence.

President Bush expressed his regrets and sympathy in a call to Mr. Karzai on Wednesday. And General McKiernan has issued several statements voicing sorrow for civilian casualties.

The Afghan government is demanding changes in the accords defining the United States military engagement in Afghanistan, in particular ending American military raids on villages and halting the detention of Afghan citizens.

"People are sick of hearing there is another case of civilian casualties," one presidential aide said.

Differing Accounts

The accounts of the airstrikes' aftermath given by Afghans and Americans could not be further apart.

A visitor to the village and to three graveyards within its limits on Aug. 31 counted 42 freshly dug graves. Thirteen of the graves were so small they could hold only children; another 13 were marked with stones in the way that Afghans identify women's graves.

Villagers questioned separately identified relatives in the graves; their names matched the accounts given by elders of the village of those who died in each of eight bomb-damaged houses and where they were buried. They were quite specific about who was killed in the airstrikes and did not count those who died for other reasons; one of the fresh graves, they said, belonged to a man who was killed when villagers demonstrated against the Afghan Army on Aug. 23.



FRAIDOUN POOYAA/ASSOCIATED PRESS

AMID THE RUINS In Azizabad, an Afghan boy carried his belongings amid the ruins of his home, which was destroyed in an Aug. 22 attack by American force.

Approved

ted the courtyards and shrapnel had gouged holes in the walls. Rooms had collapsed and mud bricks and torn clothing lay in uneven mounds where people had been digging. In two places blood was splattered on the ceiling and a wall. An old woman pushed forward with a cauldron full of jagged metal bomb fragments, and a youth presented cellphone video he said was shot on the day of the bombing; there was no time stamp.

The smell of bodies lingered in one compound, causing villagers to start digging with spades. They found the body of a baby, caked in dust, in the corner of a bombed-out room.

Cellphone images that a villager said that he shot, and seen by this reporter, showed two lines of about 20 bodies each laid out in the mosque, with the sounds of loud sobbing and villagers' cries in the background.

An Afghan doctor who runs a clinic in a nearby village said he counted 50 to 60 bodies of civilians, most of them women and children and some of them his own patients, laid out in the village mosque on the day of the strike. The doctor, who works for a reputable nongovernmental organization here, at first gave his name but then asked that it be withheld because he feared retribution from Afghans feeding intelligence to the Americans.

The United States military, in a series of statements about the operation, has accused the villagers of spreading Taliban propaganda. Speaking on condition that their names not be used, some military officials have suggested that the villagers fabricated such evidence as grave sites — and, by implication, that other investigators had been duped. But many villagers have connections to the Afghan police, NATO, or the Americans through reconstruction projects, and they say they oppose the Taliban.

The district chief of Shindand, Lal Muhammad Umarzai, 45, said he personally counted 76 bodies that day, and he believed that more bodies were unearthed over the next two days, bringing the total to more than 90. Mr. Umarzai has been praised for bringing security to the district in the three months since his appointment and is on good terms with American and NATO forces in the region.

American military investigators said that they had interviewed him and that he had told them that he had no access to the village. But Mr. Umarzai said Taliban supporters came into the village in midmorning after the airstrikes, forcing him and the police to leave the village, but that later he was able to return and attend the burials.

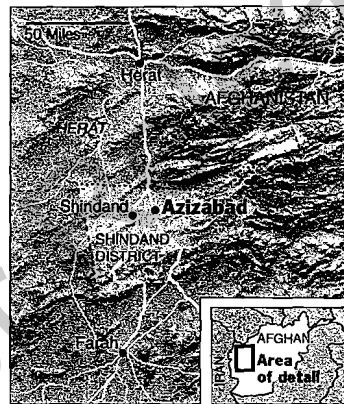
The United Nations issued a statement pointing to evidence it considered conclusive that about 90 civilians were killed, some 75 of them women and children. Villagers and relatives said that the bodies were scattered in different locations; many of the victims were visiting Azizabad for a family memorial ceremony, and their relatives took their bodies back to their home villages for burial. This reporter did not visit the

Eric Schmitt contributed reporting from Washington, and Sangar Rahimi and Abdul Waheed Wafa from Afghanistan.



CARLOTTA GALL/THE NEW YORK TIMES

TALE OF DEATH In Azizabad, Yakhakhan, a resident, said that in the compound next to his, four families were killed, including those of his two brothers.



THE NEW YORK TIMES

The military has said the raid on Azizabad mainly killed militants.

other villages, but was given a detailed list of names and places where the remaining victims were buried.

Accounts from survivors, including three people wounded in the bombing, described repeated strikes on houses where dozens of children were sleeping, grandparents and uncles and aunts huddled inside with them. Most of the village families were asleep when the shooting broke out, some sleeping out under mosquito nets in the yards of their houses, some inside the small domed rooms of their houses, lying close together on the floor, with up to 10 or 20 people in a room.

"I woke up when I heard shooting," Zainab, a 26-year-old woman who doctors said was wounded in the attack, said in an interview in the Herat city hospital. "The shooting was very close to our house. We just stayed where we were because it was dangerous to go out. When the bombardment started there was smoke everywhere and we lay down to protect ourselves."

Yakhakhan, 51, one of several men in the village working for a private security firm, and who uses just one name, said he heard shooting and was just

coming out of his house when he saw his neighbor's sons running.

"They were killed right here; they were 10 and 7 years old," he said. In the compound next to his, he said, four entire families, including those of his two brothers, were killed. "They bombarded us, they hate us, they kill us," he said of the Americans. "God will punish them."

A policeman, Abdul Hakim, whose four children were killed and whose wife was paralyzed, said she had told him how an Afghan informer accompanying the American Special Operations forces had entered the compound after the bombardment and shot dead her brother, Reza Khan; her father, and an uncle as they were trying to help her. She said she had heard her father plead for help and ask the Afghan: "Are you a Muslim? Why are you doing this to us?" Then she heard shots, and her father did not speak after that, he said.

A United States military spokeswoman, Lt. Col. Rumi Nielson-Green, said in an e-mail message that she was unaware of such an allegation, and that the American military did not have Afghan civilian informers accompanying its forces during the mission. Soldiers treated wounded people at the scene, which indicated that the Laws of Armed Conflict were followed, she said.

No Taliban, Villagers Say

While the American forces reported they had come under fire upon entering the village, it is not clear from whom. The villagers and the relatives of some of the people killed in the raid insisted that none of them were Taliban, and that there were no Taliban present in the village. Eight of the men killed were security guards supplied by Reza Khan to a private American security company and did possess weapons, said Gul Ahmed Khan, Reza Khan's brother. Two other security guards and three members of the local Afghan police were detained by United States forces during the raid. Four of them were released a week later.

The Khan brothers are from the most

were hosting the memorial ceremony for their brother, Taimoor Shah, who was killed in a business dispute a year ago. They had cards issued by an American Special Forces officer that designated each of them as a "coordinator for the U.S.S.F." Another brother, Haji Abdul Rashid, blamed a business rival for falsely telling the Americans that their family supported the Taliban.

American military officials in Afghanistan and Washington have stood by their much lower body count. Capt. Christian Patterson, an American military spokesman at Bagram Air Base north of Kabul, said that an investigating officer, a Special Forces major, visited the village after the airstrikes. Guided by aerial photographs, he visited six burial sites within a six-mile range of the attack; only one had any freshly dug graves, about 18 to 20 in total, Captain Patterson said. The 12-page investigative report does not indicate whether they were the graves of children or women. The officer did not interview villagers, he said.

Mr. Khan, whose house is just yards from the main graveyard, which contains 24 fresh graves, said no members of the American military had entered the village since Aug. 22. Villagers living around the graveyards would have seen them, he said.

The American military also said that it had found only two wounded people, a woman and a child, at the scene, and that in a survey of clinics, doctors and hospitals of the area it had found no other wounded.

U.S. Defends Operation

In a series of statements about the operation, the American military has said that extremists who entered the village after the bombardment encouraged villagers to change their story and inflate the number of dead. Yet the Afghan government and the United Nations have stood by the victims' families and their accounts, not least because many of the families work for the Afghan government or reconstruction projects. The villagers say they oppose the Taliban and would not let them in the village.

"You can see our I.D. cards," said a police officer, Muhammad Alam, 35, who was accused by the Americans of being a Taliban supporter and was detained for a week after the airstrikes, then released. "If the Taliban caught me, they would slaughter me."

Two families in the village have lost men serving in the police during recent Taliban attacks. Reza Khan, whose house was the main target of the Special Operations Forces operation, and who was shot dead in the episode, was a wealthy businessman with construction and security contracts with the nearby American base at Shindand airport, and with a cellphone business in the town of Herat. A recent photo of him shows a clean-shaven, slightly portly man in a suit and tie — far from the typical look of a Taliban militant.

His brother, Haji Rashid, said the American forces "should question the people who gave them the wrong in-

formation." "We want them brought to trial and punished for what they have done," he added.

His claim was supported by the district chief, Mr. Umarzai, who said, "The victims did not fire on the Americans." He said he suspected that an informer falsely told the American forces that Taliban fighters were in the village and also staged the firefight. The gunmen first fired on the police checkpoint on the edge of the village that night, he said. "When the Americans came, they laid down heavy gunfire and then they left the area. Then the Americans called in airstrikes," he said.

Villagers also challenged the American military's claims that it successfully conducted its planned operation against a Taliban commander, Mullah Sadiq, and a group of his men.

A man claiming to be Mullah Sadiq called Radio Liberty several days after the raid and declared that he was alive and well and was never in the village of Azizabad that night. Reporters at the radio station, who asked not to be identified, said they knew his voice well and double checked the recording with residents of Shindand and they were sure the caller was Mullah Sadiq.

American military officials have said that the man who called the radio program was an imposter and that they are confident they killed their target.

A senior American officer who has been briefed on the military investigation's findings said in an e-mail message: "I will simply say that the soldiers — U.S. and Afghan — reported what they saw and found at each building site as they looked for material, weapons, bodies. I cannot explain why later the numbers are so far apart."

Members of the Afghan government investigation commission said that the Americans were just covering up the truth. "The Americans are guilty in this incident: it is much better for them to confess the reality rather than hiding the truth," said Abdul Salam Qazizada, a member of Parliament and the government commission from Herat Province, where the village is located.

Villagers suggested that the soldiers just counted those who died in the open and did not try to dig under the rubble. A local journalist, Reza Shir Mohammedi, said that when he visited the village on the second day after the attack, women and children were still weeping at one collapsed house, saying they still had not found their mother and siblings.

The operation in Azizabad once again raises questions for the military about whether it is worth pursuing members of the Taliban with airstrikes inside a densely populated village where civilian casualties and property damage can be so high. A similar raid in the same district by American Special Forces in April 2007, which killed 57 people, led American and NATO commanders to tighten rules on calling in airstrikes on village houses.

"This is not fair to kill 90 people for one Mullah Sadiq," said Mr. Umarzai, the district chief. "If they continue like this, they will lose the people's confidence in the government and the coalition forces."

06 SEP 08

Azizabad KLE: CAT 812 met with (b)(6) (Alizai tribe) Azizabad village elder and school principal. The main topics were the operations that took place in Azizabad, the meeting with Karzai in the Russian Village Mosque, and the projects CAT 812 will purpose for Azizabad. (b)(6) stated that during the meeting with Karzai, all the elders and Karzai agreed that ANSF and CF were not at fault for the dead civilians in Azizabad. (b)(6) is responsible and Azizabad requests from the government that (b)(6) be arrested and held accountable. (b)(6) and his guys provided erroneous information to CF/ANSF sources in order to get (b)(6) killed. (b)(6) (Samizai tribe) ((b)(6) brother) is currently in Kabul with Karzai receiving more money for his deceased family members (b)(6) has already receive 100,000 Afg for 73 of the 93 reported deaths). (b)(6) heard the battle that ensued in Azizabad from his home, he said the media was wrong when they said it happened between 1000-1100 local time, he confirmed the actual time line. It made him think that other "facts" that were portrayed in the media could be false. The morning after the attack, he went to the school to begin the day. When he got there, there were about 100 people running in the streets protesting. He went to the mosque to see what the problem was. He said he did not count the bodies that were piled up, but he saw "many dead children" (he stated that he estimated 50-60 bodies). He said has been nominated for the position of Sub Governor (to replace (b)(6)). He said he was not interested in the job because the problems of Shindand and Afghanistan are a result of tribalism and cannot be fixed. //CAT 812 contacted (b)(6) about the issue of his position, he stated that he is safe in his job and has not been told he is to be relieved. CAT 812 then contacted the Herat Governor but could only speak to the secretary. The secretary said there is no plan to relieve (b)(6) he is doing a good job//.

The six key elders for Azizabad are (b)(6)

(b)(6) 90% people of Azizabad are Alizai the others are Samizai, Popalzai, Achaczai, and Barakzai.

CAT 812 is attempting to get these elders to FB Thomas for a Shura in the next 72hrs. WFP is currently assisting the families that were affected by the operation. CAT 812 will focus on other villagers that need HA.

(b)(6) stated that there are many people to help rebuild one of the bridges in the village (not on HWY1), construct the school compound wall, and clean the kareezes (5 kareezes). All of these are projects that will be worked through USAID. The Shura will identify who will be in charge of each project then projects will be submitted for approval.

~~SECRET//NOFORN~~

QQQQ

SERIAL: (U) (b)(1)1.4c

COUNTRY: (U) AFGHANISTAN (AFG).

IPSP: (U) SRCC; IFC1549.

SUBJ: (b)(1)1.4c AFGHANISTAN - INVESTIGATION INTO THE AUGUST 2008 AZIZABAD AIRSTRIKE INDICATES A FALSIFICATION IN THE NUMBER OF DEATHS (U).

WARNING: (U) THIS IS AN INFORMATION REPORT, NOT FINALLY EVALUATED INTELLIGENCE. REPORT CLASSIFIED
~~SECRET//NOFORN~~.

DOI: (U) 20080901.

PAGE 4 RUZDHTR5198 ~~SECRET//NOFORN~~
REQS: (U) 3264.1.1.4.1; CTN7154909407.

SOURCE:

(b)(1)1.4c

(b)(1)1.4c

SUMMARY: (U) SEE EXECUTIVE SUMMARY, TEXT PARAGRAPH 1, BELOW.

TEXT: 1. (~~S//NF~~) EXECUTIVE SUMMARY. A UNITED NATIONS (UN) TEAM RECENTLY TRAVELED TO AZIZABAD, HERAT PROVINCE, AFGHANISTAN, SEEKING

PAGE 5 RUZDHTR5198 ~~SECRET//NOFORN~~
EVIDENCE TO SUPPORT MEDIA STORIES OVER THE COALITION FORCES - AFGHAN NATIONAL ARMY AIRSTRIKE ON 23 AUGUST 2008. THE HERAT PROVINCIAL POLICE HEADQUARTERS INITIATED THEIR OWN INVESTIGATION, AND FOUND INDICATIONS THAT ALL INDIVIDUALS KILLED WERE INSURGENTS, THUS THEY REFUSED TO PAY ANY CLAIMS, SO AN ANGRY MOB CHASED THE POLICE OUT OF TOWN.

2. (~~S//NF~~) A UN INVESTIGATIVE TEAM TRAVELED TO AZIZABAD, //MGRS:

41SMS3893691944//, SHINDAND DISTRICT, HERAT PROVINCE, TO PERSONALLY INVESTIGATE MEDIA REPORTS REGARDING CIVILIAN CASUALTIES FROM THE 23 AUGUST 2008, COALITION FORCES (CF) - AFGHAN NATIONAL ARMY (ANA) AIR STRIKE. THE UN TEAM INTENDED TO VERIFY CLAIMS THAT 90 OR MORE AFGHAN CIVILIANS WERE KILLED DURING THE AIRSTRIKE.

3. (S//NF) VILLAGE ELDERS DESCRIBED THEIR LOSSES, WHILE LEADING THE UN TEAM TO THE BURIAL SITE. THE UN TEAM WALKED TO EACH GRAVE, CHECKED FOR NAMES, AND COUNTED A TOTAL OF 23 PLOTS. WHEN ASKED ABOUT ADDITIONAL GRAVES, ELDERS CLAIMED ONLY 23 GRAVES WERE DUG, AND STATED TWO OR THREE CHILDREN WERE BURIED IN EACH GRAVE. WHEN THE UN TEAM REALIZED THAT EVEN WITH THREE CHILDREN PER GRAVE THE TOTAL CAME TO

PAGE 6 RUZDHTR5198 ~~SECRET~~/NOFORN

ONLY 69 BODIES, THE ELDERS CHANGED THE NUMBER OF BODIES PER GRAVE TO FOUR. (SOURCE COMMENT - THE ELDERS IN AZIZABAD WERE VERY DECEPTIVE, AND CLEARLY SEEMED TO BE EXAGGERATING NUMBERS. THE DEATH TOLL WAS NO HIGHER THAN 23.)

4. (S//NF) ON 24 AUGUST 2008, THE MINISTRY OF INTERIOR (MOI) ORDERED (b)(6), S-2 FROM HERAT PROVINCIAL HEADQUARTERS, AFGHAN NATIONAL POLICE, TO CONDUCT A SEPARATE INVESTIGATION OF THE AIRSTRIKE. (b)(6) TRAVELED TO AZIZABAD THE DAY AFTER THE INCIDENT WITH TRUCKS CONTAINING RICE AND HUMANITARIAN AID. (b)(6) WAS ABLE TO CONFIRM ALL KIA WERE INSURGENTS, AND DISCOVERED WEAPONS AT THE SCENES IN QUESTION, NFI. (b)(6) REFUSED TO ACCEPT COMPENSATION CLAIMS FROM THE PEOPLE OF AZIZABAD, AS THE EVIDENCE SUPPORTED INSURGENT ACTIVITY, PRECLUDING ANY ENTITLEMENTS FOR THEIR LOSSES. THE PEOPLE OF AZIZABAD THEN REFUSED TO CONTINUE ANSWERING (b)(6) QUESTIONS, CHASED HIM OUT OF THE AREA, AND LATER BURNED DOWN A NEARBY POLICE CHECKPOINT.

5. (S//NF) THE MOI ALSO SENT THE MINISTER OF HAJJ, ((SANRANI)), TO INVESTIGATE THE AZIZABAD INCIDENT, NFI.

PAGE 7 RUZDHTR5198 ~~SECRET~~/NOFORN

COMMENTS: (FIELD COMMENTS) 1. (S//NF) THE UN HEAD OF OFFICE IN HERAT IS (b)(6) THE FIELD SECURITY COORDINATION OFFICER IS (b)(6) BOTH HELD INTELLIGENCE POSITIONS FOR RUSSIA IN AFGHANISTAN. (b)(6) WAS AN INTELLIGENCE OFFICER IN HERAT DURING THE SOVIET OCCUPATION.

2. (C//NF) DIRECT RELEASE REQUESTS, QUESTIONS, OR COMMENTS TO DETACHMENT REPORTS OFFICER AT (b)(6) SIPRNET EMAIL (b)(3)130b, (b)(6) DIA CONTINGENCY OPERATIONS TASK FORCE (COTF) REPORTS OFFICERS CAN BE REACHED VIA COLLATERAL EMAIL (b)(6) IC MAIL (b)(6) (b)(6)

3. (U) SOURCE A IS AVAILABLE FOR RECONTACT. SOURCE B IS AVAILABLE FOR RECONTACT.

COLL: (U) BK; DF.

INSTR: (U) U.S. NO.

PAGE 8 RUZDHTR5198 ~~SECRET//NOFORN~~

PREP: (U) 701006; 2A3210; 2-A7323.

ACQ: (U) HERAT, AFG (20080903).

WARNING: (U) REPORT CLASSIFIED
~~SECRET//NOFORN~~

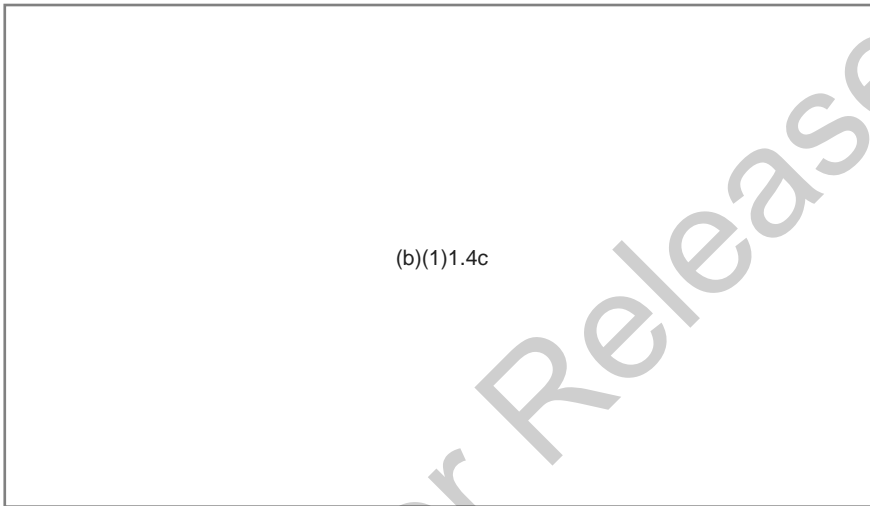
Approved for Release

~~SECRET//REL TO USA, FVEY/RELIDO~~

Serial: 508027

~~(S//REL TO USA, FVEY/RELIDO)~~ Afghan military authorities reportedly conducted an independent investigation into the 22 August 2008 coalition bombing of Azizabad village in Shindand District, Herat Province, in early September. Their conclusions differed somewhat from those of an investigative delegation appointed by Afghan President Karzai and sent from Kabul. The Afghan military authorities found that most of the reported 90 people who died in the bombings were associated with the insurgency and that many of the bodies had been removed from the area. The authorities also suspected that a local who had family members killed in the bombings of providing false information to the Karzai delegation.

(b)(1)1.4c



SERIAL: (U) (b)(3) 50 USC 3024(i)

(S//NF) A UN INVESTIGATIVE TEAM TRAVELED TO AZIZABAD, //MGRS:41SMS3893691944//, SHINDAND DISTRICT, HERAT PROVINCE, TO PERSONALLY INVESTIGATE MEDIA REPORTS REGARDING CIVILIAN CASUALTIES FROM THE 23AUGUST 2008, COALITION FORCES (CF) - AFGHAN NATIONAL ARMY (ANA) AIR STRIKE. THE UN TEAM INTENDED TO VERIFY CLAIMS THAT 90 OR MORE AFGHAN CIVILIANS WERE KILLED DURING THE AIRSTRIKE.

(S//NF) VILLAGE ELDERS DESCRIBED THEIR LOSSES, WHILE LEADING THE UN TEAM TO THE BURIAL SITE. THE UN TEAM WALKED TO EACH GRAVE, CHECKED FOR NAMES, AND COUNTED A TOTAL OF 23 PLOTS. WHEN ASKED ABOUT ADDITIONAL GRAVES, ELDERS CLAIMED ONLY 23 GRAVES WERE DUG, AND STATED TWO OR THREE CHILDREN WERE BURIED IN EACH GRAVE. WHEN THE UN TEAM REALIZED THAT EVEN WITH THREE CHILDREN PER GRAVE THE TOTAL CAME TO ONLY 69 BODIES, THE ELDERS CHANGED THE NUMBER OF BODIES PER GRAVE TO FOUR. (SOURCE COMMENT - THE ELDERS IN AZIZABAD WERE VERY DECEPTIVE, AND CLEARLY SEEMED TO BE EXAGGERATING NUMBERS. THE DEATH TOLL WAS NO HIGHER THAN 23.)

(S//NF) ON 24 AUGUST 2008, THE MINISTRY OF INTERIOR (MOI) ORDERED (b)(6) (b)(6) S-2 FROM HERAT PROVINCIAL HEADQUARTERS, AFGHAN NATIONAL POLICE, TO CONDUCT A SEPARATE INVESTIGATION OF THE AIRSTRIKE. (b)(6) TRAVELED TO AZIZABAD THE DAY AFTER THE INCIDENT WITH TRUCKS CONTAINING RICE AND HUMANITARIAN AID. (b)(6) WAS ABLE TO CONFIRM ALL KIA WERE INSURGENTS, AND DISCOVERED WEAPONS AT THE SCENES IN QUESTION, NFI. (b)(6) REFUSED TO ACCEPT COMPENSATION CLAIMS FROM THE PEOPLE OF AZIZABAD, AS THE EVIDENCE SUPPORTED INSURGENT ACTIVITY, PRECLUDING ANY ENTITLEMENTS FOR THEIR LOSSES. THE PEOPLE OF AZIZABAD THEN REFUSED TO CONTINUE ANSWERING (b)(6) QUESTIONS, CHASED HIM OUT OF THE AREA, AND LATER BURNED DOWN A NEARBY POLICE CHECKPOINT.

(S//NF) THE MOI ALSO SENT THE MINISTER OF HAJJ, (b)(6), TO INVESTIGATE THE AZIZABAD INCIDENT, NFI.

SERIAL: (U) (b)(3) 50 USC 3024(i)

(~~S//REL TO USA, ACGU~~) EXECUTIVE SUMMARY: DETAILS OF THE INVESTIGATION INTO THE ALLEGED BOMBING OF CIVILIANS IN AZIZABAD ON THE EARLY MORNING OF 22 AUG 08. MEMBERS OF THE AFGHAN DELEGATION INVESTIGATING THE INCIDENT DID NOT SEE ANY GRAVES OR CONDUCTED ANY SCIENTIFIC TYPE OF INVESTIGATION. THEY BELIEVE THE ACCURATE NUMBER OF VICTIMS WAS 88 BASED ON THEIR PERSONAL OBSERVATIONS, CONVERSATIONS WITH SURVIVORS IN THE VILLAGE, AND LOCAL AUTHORITIES. THE CHIEF OF INTELLIGENCE FOR THE 207TH CORP OF THE AFGHAN NATIONAL ARMY IN HERAT TOLD SOME MEMBERS OF THE DELEGATION THAT AFGHAN NATIONAL ARMY SOLDIERS WERE FIRED UPON FROM THE VILLAGE PRIOR TO THE BOMBING. HOWEVER, NO ONE FROM THE DELEGATION INTERVIEWED THESE SOLDIERS.

(~~S//REL TO USA, ACGU~~) THE AFGHAN DELEGATION IN CHARGE OF INVESTIGATING THE BOMBING OF ALLEGED INNOCENT CIVILIANS IN THE AZIZABAD VILLAGE //GEOCOORD: 33.3643N/62.34081E//, SHINDAND DISTRICT OF HERAT PROVINCE, ON 22 AUG 08, WAS COMPOSED OF MINISTER OF RELIGIOUS AFFAIRS AND (b)(6)

(b)(6)

(~~S//REL TO USA, ACGU~~) THE DELEGATION ARRIVED IN AZIZABAD ON THE AFTERNOON OF 23 AUG 08 AT APPROXIMATELY 1700 HRS. THE DEPUTY GOVERNOR OF HERAT STAYED ((AGHA)) AND LOCAL AFGHAN NATIONAL POLICE (ANP) WERE THE ONLY AUTHORITIES ON THE SCENE. IMMEDIATELY AFTER ARRIVING, THE DELEGATION PROCEEDED ON A WALKING TOUR OF THE DESTROYED HOUSES FOR APPROXIMATELY 30 MINUTES.

(~~S//REL TO USA, ACGU~~) AT APPROXIMATELY 1730 HRS THE DELEGATION WAS TAKEN TO THE LOCAL MOSQUE WHERE THEY SAW A RUG SOAKED IN BLOOD. LOCAL VILLAGERS BROUGHT TO THE DELEGATION BODY PARTS THAT HAD BEEN FRESHLY DUG OUT FROM THE RUBBLE. AFTER A FEW HOURS AT THE MOSQUE, THE DELEGATION DEPARTED AZIZABAD AND DID NOT COME BACK.

Solution { (~~S//REL TO USA, ACGU~~) ON 24 AUG 08, THE DELEGATION SUMMONED THE VILLAGE ELDERS AND SURVIVORS TO THE GOVERNOR'S HOUSE. DURING THEIR MEETING, KARZAI CALLED ONE OF THE DELEGATION MEMBERS AND THROUGH A SPEAKER PHONE, KARZAI EXPRESSED HIS CONDOLENCES. DURING THE MEETING, RELATIVES OF THE VICTIMS WERE PAID THE EQUIVALENT OF \$2000 FOR EACH PERSON KILLED AND \$1000 FOR EACH PERSON WOUNDED.

(~~S//REL TO USA, ACGU~~) DURING THE 24 AUG MEETING, AN UNIDENTIFIED U.S. SPECIAL FORCES (SF) OFFICER OFFERED HIS SIDE OF THE STORY. HOWEVER, VILLAGE ELDERS AND SURVIVORS WERE BELLIGERENT WITH HIM. THE SF OFFICER DECLINED TO DISCUSS THE INCIDENT ANY FURTHER AND DEPARTED.

(~~S//REL TO USA, ACGU~~) TOWARDS THE END OF THE MEETING, A TRIBAL ELDER FROM HERAT TOLD THE DELEGATION THAT IF THE GOVERNMENT DID NOT RESOLVE THE ISSUE, THE PEOPLE OF HERAT WOULD BRING THE GOVERNMENT DOWN.

(~~S//REL TO USA, ACGU~~) ON MONDAY 25 AUG 08, VILLAGE ELDERS RETURNED TO THE GOVERNOR'S HOUSE TO EXPRESS OTHER GRIEVANCES ASIDE FROM THE BOMBING INCIDENT.

~~(S//REL TO USA, ACGU)~~ THE DELEGATION ONLY SPENT A FEW HOURS IN AZIZABAD AND DID NOT SEE ANY GRAVES. HOWEVER, THE DELEGATION BELIEVES THE NUMBER OF CASUALTIES TO BE ACCURATE BECAUSE OF THE LIST OF NAMES PRESENTED BY ONE INDIVIDUAL, WHO LOST 74 MEMBERS OF HIS EXTENDED FAMILY, AND ANOTHER ONE, WHO LOST 13 EXTENDED FAMILY MEMBERS. IN ADDITION, DELEGATION MEMBERS BELIEVE THE COUNT TO BE ACCURATE DUE TO THE AMOUNT OF BLOOD SOAKING THE RUG AT THE MOSQUE.

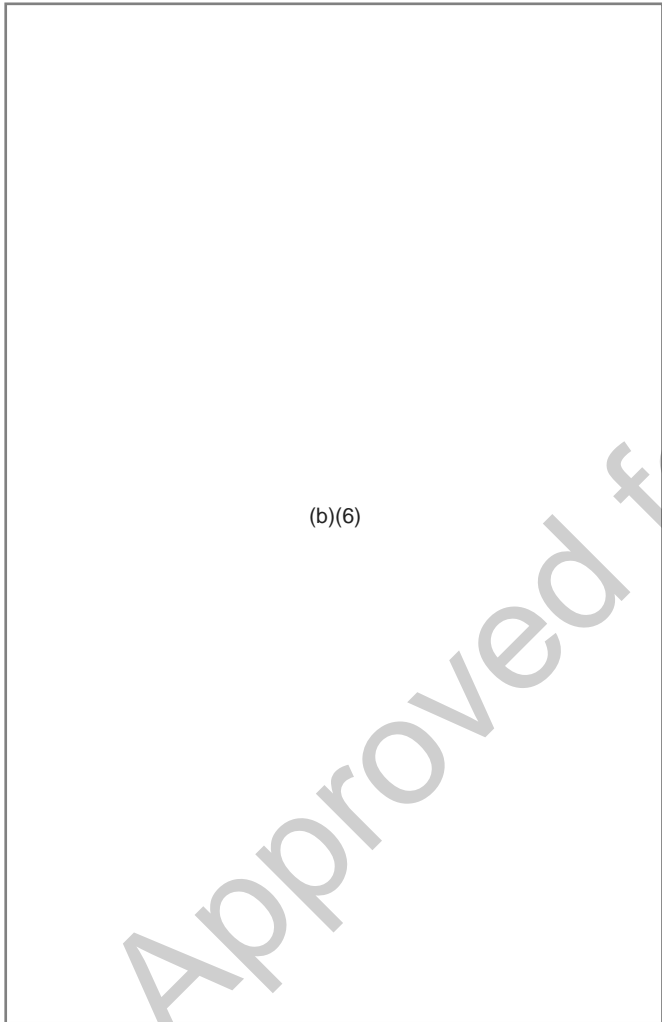
~~(S//REL TO USA, ACGU)~~ THE LOCAL AFGHAN NATIONAL DIRECTORATE OF SECURITY (NDS) AND THE LOCAL ANP TOOK PICTURES AND VIDEO OF THE BODIES BEFORE THE DELEGATION ARRIVED. THESE WERE NOT SHOWN TO THE DELEGATION.

~~(S//REL TO USA, ACGU)~~ THE MAYOR OF HERAT, (b)(6) CLAIMED TO HAVE SEEN VIDEO OF THE VILLAGE IMMEDIATELY PRIOR TO AND IMMEDIATELY AFTER THE BOMBING. THE VIDEO WAS BROADCASTED ON A UNKNOWN LOCAL IRANIAN TELEVISION STATION.

~~(S//REL TO USA, ACGU)~~ THE CHIEF OF INTELLIGENCE FOR THE 207TH CORP TOLD SOME MEMBERS OF THE DELEGATION THAT ANA WERE FIRED UPON FROM THE VILLAGE PRIOR TO THE BOMBING. HOWEVER, NO ONE FROM THE DELEGATION INTERVIEWED THESE SOLDIERS.

~~(S//REL TO USA, ACGU)~~ THE CHIEF OF INTELLIGENCE FOR THE 207THCORP ALSO CLAIMED TO HAVE INFORMATION REF TWO MINIVANS THAT DEPARTED THE AREA, WITH AN UNKNOWN NUMBER OF PEOPLE WEARING MASKS, PRIOR TO THE BOMBING.

Invitation card for a ceremony in remembrance of Timur Shah
Nowabad, Azizabad Village, Shindand District, on 22 August 2008



Approved for Release

(b)(1)1.4c

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***** ~~SECRET~~// ~~NONE~~ *****Subject: USCENTCOM CONSOLIDATED SERIAL ONE RULES OF ENGAGEMENT FOR OPERATION
ENDURING FREEDOM MOD 002Originator: HQ USCENTCOM MACDILL AFB FL/USCENTCOM CCJ3(MC)/USCENTCOM CCJ3-
O(MC)

DTG: 152307Z Dec 06

Precedence: ROUTINE

DAC: General

To: /omitted/

Cc: /omitted/

~~SECRET~~//~~NONE~~//~~MR~~~~SECRET~~//~~NONE~~//~~MR~~//

MSGID/GENADMIN/USCENTCOM/CCJ3/DEC//

SUBJ/USCENTCOM CONSOLIDATED SERIAL ONE RULES OF ENGAGEMENT FOR OPERATION
ENDURING FREEDOM MOD 002.//

REF/A/MSG/CJCS/052317ZOCT01//

AMPN/ ~~(S)~~ CJCS EXECUTE ORDER OPERATION ENDURING FREEDOM.//

REF/B/MSG/CJCS/122044ZOCT01//

AMPN/ ~~(S)~~ EXECUTE ORDER FOR CONTINUING STRIKES DURING OPERATION ENDURING
FREEDOM.//

REF/C/DOC/CJCS/13JUN05//

AMPN/ (U) CJCS INSTRUCTION 3121.01B, STANDING RULES OF ENGAGEMENT (SROE) FOR
US FORCES.//

REF/D/MSG/USCENTCOM/081600ZNOV95//

AMPN/ (U) USCENTCOM ANNEX TO SROE (REF C) USCENTCOM THEATER-SPECIFIC ROE.//

REF/E/MSG/USCENTCOM FWD/232128ZMAR03 //

AMPN/ ~~(S/NF)~~ SUPPLEMENTAL 006 TO CFC CROSS BORDER GUIDANCE.//

REF/F/MSG/CJCS/212315ZNOV01//

AMPN/ (U) OEF ROE AUTHORIZATION SERIAL TWO.//

REF/G/MSG/CJCS/082022ZMAY02//

AMPN/ (U) MOD 001 TO OEF ROE AUTHORIZATION SERIAL TWO.//

REF/H/MSG/CJCS/302140ZMAY02//

AMPN/ (U) MOD 002 TO OEF ROE AUTHORIZATION SERIAL TWO.//

REF/I/MSG/CJCS/281607ZAUG02//

AMPN/ (U) MOD 003 TO OEF ROE AUTHORIZATION SERIAL TWO.//

REF/J/MSG/CJCS/052145ZDEC02//

AMPN/ (U) MOD 004 TO OEF ROE AUTHORIZATION SERIAL TWO.//

REF/K/MSG/CJCS/020052ZOCT01//

AMPN/ ~~(S)~~ RULES OF ENGAGEMENT SERIAL ONE/ENDURING FREEDOM (NEO) ROE.//

REF/L/MSG/CJCS/051547ZNOV01//

AMPN/ ~~(S)~~ SPECIAL FORCES ROE.//

REF/M/MSG/CJCS/271250ZOCT01//

AMPN/ ~~(S)~~ SPECIAL FORCES ORDER.//

REF/N/DOC/CJCS/151500JAN06//

AMPN/ ~~(S)~~ CJCS MANUAL 3160.01A, JOINT METHODOLOGY FOR ESTIMATING COLLATERAL
DAMAGE AND CASUALTIES FOR CONVENTIONAL WEAPONS: PRECISION, UNGUIDED, AND
CLUSTER, AS IMPLEMENTED BY USCENTCOM 191500ZJAN06.//

REF/O/MSG/USCENTCOM/181500ZNOV06//

AMPN/ ~~(S)~~ USCENTCOM POLICY ON THE JOINT METHODOLOGY FOR ESTIMATING COLLATERAL
DAMAGE AND CASUALTIES FOR CONVENTIONAL WEAPONS MOD 003

REF/P/MSG/USCENTCOM FWD/232155ZMAR03//

AMPN/ ~~(S/NF)~~ CFC CROSS BORDER GUIDANCE.//

REF/Q/MSG/USCENTCOM/270148ZSEP03//

AMPN/ ~~(S)~~ CFC FRAGO 07-215 CJTF-180 LIMITED TARGETING AUTHORITY//

REF/R/MSG/USCENTCOM/191111ZJUL02//

Encl V

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AMPN/ (S) CFC FRAGO 07-057 PHASE III AND IV OPS IN AFG (S) .//
REF/S/MSG/USCENTCOM/302320ZSEP03//
AMPN/ (S) USCENTCOM GREEN ON GREEN MESSAGE.//
REF/T/MSG/CJCS/032132ZMAR04//
AMPN/ (S) CRITERIA AND GUIDELINES FOR SCREENING AND PROCESSING PERSONS
DETAINED BY THE DOD IN CONNECTION WITH THE WAR ON TERRORISM.//
REF/U/MSG/USCENTCOM/201111ZJUL02//
AMPN/ (S//REL GCTF) /CFC FRAGO 07-061 MINE EMPLOYMENT AUTHORITY INCLUDING
SUPPLEMENTALS 509 AND 516.//
REF/V/MSG/CJCS/262129ZJUL05/-/NOTAL//
AMPN/ (S) CJCS EXORD FOR OPERATIONS AGAINST THE AL QAIDA NETWORK (AQN
EXORD) .//
REF/W/MSG/USCENTCOM/060616ZNOV05//
AMPN/ (S) USCENTCOM CONSOLIDATED SERIAL ONE ROE FOR OPERATION ENDURING
FREEDOM.//
REF/X/MSG/USCENTCOM/231606ZDEC05//
AMPN/ (U) USCENTCOM CIVILIAN AND CONTRACTOR ARMING POLICY, RULES FOR THE USE
OF FORCE, AND DELEGATION OF AUTHORITY FOR IRAQ AND AFGHANISTAN.//
REF/Y/MSG/USCENTCOM/301855ZJAN06//
AMPN/ (S) USCENTCOM CONSOLIDATED SERIAL ONE ROE FOR OPERATION ENDURING FREEDOM
MOD 001.//
REF/Z/MSG/USCENTCOM/042111ZOCT06//
AMPN/ (S) STAGE FOUR TOA MESSAGE THAT DIRECTS THAT US FORCES NATO OPCON TO
ISAF WILL FOLLOW ISAF ROE FOR MISSION ACCOMPLISHMENT.//
GENTEXT/RMKS/
1. (U) THIS DOCUMENT SUPERCEDES REFS W AND Y, AND INCLUDES ALL MOD 002 CHANGES
SUMMARIZED IN PARAGRAPH 10. MOD 001 CONSOLIDATED AND INCORPORATED PREVIOUSLY
ISSUED CJCS AND USCENTCOM ROE MEASURES AND GUIDANCE FOR OPERATION ENDURING
FREEDOM, INCLUDING A CONSOLIDATION OF CJCS ROE SERIAL TWO, WITH MODIFICATIONS
001 THROUGH 004, INTO ONE UNIFIED USCENTCOM ROE APPROVAL SERIAL FOR OPERATION
ENDURING FREEDOM IN THE AFGHANISTAN AREA OF OPERATIONS. SEE PARAGRAPH 8 FOR
THOSE MEASURES WHICH REMAIN IN EFFECT OR ARE CANCELLED BY THIS MESSAGE.
NOTHING IN THIS MESSAGE IS INTENDED TO CONFER ANY ADDITIONAL AUTHORITY ABOVE
THAT POSSESSED BY OR DELEGATED TO CDRUSCENTCOM. ANY SUPPOSED CONFLICTS
BETWEEN THIS MESSAGE AND PRIOR AUTHORITY SHOULD BE ADDRESSED TO THE
IDENTIFIED POINTS OF CONTACT (POCS).
2. (S) **U.S. NATIONAL POLICY.** USG NATIONAL POLICY FOR THE SOUTHWEST ASIA REGION
IS "CHARLIE." TAKE THE INITIATIVE WITHIN THE LIMITS ALLOWED BY THESE ROE.
3. (U) **MILITARY POLICY.** THE ROE CONTAINED IN THIS MESSAGE DO NOT LIMIT A
COMMANDER'S INHERENT AUTHORITY AND OBLIGATION TO USE ALL NECESSARY MEANS
AVAILABLE AND TO TAKE ALL APPROPRIATE ACTION IN SELF-DEFENSE OF THE
COMMANDER'S UNIT AND OTHER U.S. FORCES IN THE VICINITY. SOUND JUDGMENT WILL
BE REQUIRED AT ALL LEVELS OF COMMAND IN DETERMINING THE DEGREE OF FORCE
NECESSARY FOR MISSION ACCOMPLISHMENT. IN ADDITION TO ROE, A COMMANDER WILL BE
REQUIRED TO CONSIDER THE ASSIGNED MISSION, THE CURRENT SITUATION, THE HIGHER
COMMANDER'S INTENT, AND ALL OTHER AVAILABLE GUIDANCE IN DETERMINING HOW TO
USE FORCE FOR MISSION ACCOMPLISHMENT. IF USE OF FORCE IS NECESSARY FOR
MISSION ACCOMPLISHMENT OR TO RESPOND TO A HOSTILE ACT OR DEMONSTRATION OF
HOSTILE INTENT, THAT USE OF FORCE WILL BE PROPORTIONAL IN THAT IT SHOULD BE
REASONABLE IN INTENSITY, DURATION, AND MAGNITUDE, BASED ON ALL FACTS KNOWN TO
THE COMMANDER AT THE TIME.
3.A. (S) **ROE POLICY.** REF C ESTABLISHES SROE TO IMPLEMENT THE INHERENT RIGHT OF
SELF-DEFENSE AND PROVIDE GUIDANCE FOR THE APPLICATION OF FORCE FOR MISSION
ACCOMPLISHMENT. REF C ESTABLISHES FUNDAMENTAL POLICIES AND PROCEDURES
GOVERNING ACTION TO BE TAKEN BY U.S. FORCE COMMANDERS AND U.S. FORCES DURING
ALL MILITARY OPERATIONS AND CONTINGENCIES EXCEPT AS OTHERWISE PROVIDED FOR BY
THEATER-SPECIFIC OR MISSION-SPECIFIC SUPPLEMENTAL ROE. REF D ESTABLISHES

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USCENTCOM THEATER-SPECIFIC ROE APPLICABLE TO U.S. FORCES ASSIGNED TO, OR OPERATING UNDER THE OPERATIONAL CONTROL OF, USCENTCOM IN THE USCENTCOM AREA OF RESPONSIBILITY (AOR). THE ROE IN THIS MSG WILL SUPPLEMENT THOSE ROE FOR THE DURATION OF OPERATION ENDURING FREEDOM AND WILL NO LONGER BE IN EFFECT, AS DIRECTED BY THE SECDEF, UPON CONCLUSION OF OPERATION ENDURING FREEDOM.

3.B. (S) OPERATIONS WILL BE CONDUCTED, INsofar AS POSSIBLE, TO LIMIT ADVERSE IMPACT ON THE CIVILIAN POPULATION. US FORCES WILL ENSURE THAT COLLATERAL DAMAGE TO CIVILIANS AND CIVILIAN OBJECTS IS NOT EXCESSIVE IN LIGHT OF THE MILITARY ADVANTAGE ANTICIPATED BY MILITARY OPERATIONS. US FORCES WILL EMPLOY ONLY SUCH FORCE AS IS REASONABLY NECESSARY TO ACCOMPLISH THE MISSION.

3.C. (S) CULTURAL AND HISTORIC BUILDINGS, NONMILITARY STRUCTURES, CIVILIAN POPULATION CENTERS, MOSQUES AND OTHER HOLY PLACES, HOSPITALS, AND FACILITIES DISPLAYING THE RED CRESCENT, RED CRYSTAL OR RED CROSS WILL NOT BE ATTACKED EXCEPT WHEN THEY ARE BEING USED FOR MILITARY OPERATIONS AND THE FORCE USED IS JUSTIFIED BY MILITARY NECESSITY. UNLESS PRECLUDED BY MILITARY NECESSITY, THERE IS A REQUIREMENT TO ISSUE A WARNING AND ISSUE A REASONABLE TIME LIMIT BEFORE ATTACKING A HOSPITAL THAT IS USED FOR A MILITARY PURPOSE. SEE PARAGRAPH 4.C. FOR TARGETING CONSIDERATIONS WITH REGARD TO CATEGORY I AND II FACILITIES.

3.D. (S) APPLICABILITY. ROE, POLICIES, GUIDANCE, AND TASKINGS AUTHORIZED IN THIS MESSAGE WILL BE APPLICABLE TO ALL U.S. FORCES ASSIGNED TO, OR UNDER THE OPERATIONAL CONTROL OF, USCENTCOM IN THE EXECUTION OF OPERATION ENDURING FREEDOM.

3.E. (S) ROE FOR NON-US FORCES PARTICIPATING IN OPERATION ENDURING FREEDOM MAY DIFFER FROM U.S. FORCES (OEF) ROE. CONFLICTING ROE WILL BE ADDRESSED ON A CASE-BY-CASE BASIS. REF Z DIRECTS US FORCES NATO OPCON TO ISAF TO OPERATE UNDER ISAF ROE FOR MISSION ACCOMPLISHMENT AND DETAINEE OPERATIONS. US FORCES NOT NATO OPCON TO ISAF WHO ARE SUPPORTING ISAF OR ASSIGNED A COMMAND RELATIONSHIP ON A TEMPORARY BASIS (TACON) WILL FOLLOW OEF ROE AS SET FORTH IN THIS MESSAGE.

(b)(1)1.4a

4. (S) **RULES OF ENGAGEMENT.** THE SECDEF HAS AUTHORIZED THE FOLLOWING SUPPLEMENTAL MEASURES IN SUPPORT OF OPERATION ENDURING FREEDOM:

4.A. (S) ROE. CJCS STANDING ROE AND CDRUSCENTCOM THEATER-SPECIFIC ROE, EXCEPT AS MODIFIED BELOW, REMAIN IN EFFECT.

4.B. (S) THE FOLLOWING ADDITIONAL SUPPLEMENTAL ROE ARE IN EFFECT FOR OPERATION ENDURING FREEDOM.

(b)(1)1.4a

(b)(1)1.4a

4.D. (S) **SUPPLEMENTAL 004**. DURING CONTINUING OPERATIONS OF ENDURING FREEDOM, THE CHEMICAL WEAPONS CONVENTION AND EXECUTIVE ORDER 11850 GOVERN THE USE OF NON-LETHAL RIOT CONTROL AGENTS (RCA) .

(b)(1)1.4a

4.D.2. (S) IT IS APPROPRIATE TO USE RCA IN CERTAIN CIRCUMSTANCES.

4.D.2.A. (S) THE ON-SCENE COMMANDER MAY AUTHORIZE THE USE OF NON-LETHAL RCA FOR CROWD CONTROL.

4.D.2.B. (S) THE ON-SCENE COMMANDER MAY AUTHORIZE THE USE OF NON-LETHAL RCA WHERE CIVILIANS MAY BE PRESENT OR WHEN CIVILIANS ARE USED TO MASK OR SCREEN AN ATTACK.

(b)(1)1.4a

(b)(1)1.4a IS FOR DEFENSIVE PURPOSES ONLY AND MAY NOT BE INTENDED TO FACILITATE THE OFFENSIVE PORTION OF SUCH MISSIONS.

(b)(1)1.4a

Approved for Release

(b)(1)1.4a

(b)(1)1.4a

4.F. (S) **SUPPLEMENTAL 009.** DURING CONTINUING OPERATIONS OF ENDURING FREEDOM, CDRUSCENTCOM MAY AUTHORIZE THE USE OF DEADLY FORCE TO PROTECT DESIGNATED THIRD-COUNTRY NATIONALS CITIZENS OR MILITARY FORCES (SEE PARAGRAPH 5). PROTECTION OF US CITIZENS IS AUTHORIZED. WITHIN THE TERRITORY OF AFGHANISTAN, USE OF MINIMUM FORCE, INCLUDING DEADLY FORCE, AGAINST INDIVIDUALS OR GROUPS OF INDIVIDUALS WHO UNLAWFULLY COMMIT, OR ARE ABOUT TO COMMIT, AN ACT THAT IS LIKELY TO CAUSE DEATH OR SERIOUS BODILY HARM TO ANOTHER, IS AUTHORIZED. USE ONLY THE MINIMUM FORCE NECESSARY.

4.F.1. (S) PER REF R, IT IS USG POLICY TO ASSIST AFGHAN AUTHORITIES IN ESTABLISHING A STABLE AND SECURE ENVIRONMENT CONDUCIVE TO THE RECONSTRUCTION EFFORTS OF THE AFGHAN STATE. A KEY ELEMENT OF THIS POLICY IS TO PROVIDE SUPPORT IN A WAY THAT DRIVES THE AFGHAN AUTHORITIES TO TAKE RESPONSIBILITY FOR THEIR ACTIONS AND TO RELY ON POLITICAL VICE MILITARY METHODS TO RESOLVE DISPUTES. AS SUCH, CURRENT U.S. POLICY DOES NOT SUPPORT USING U.S. MILITARY FORCE TO SUPPORT AFGHAN AUTHORITIES INVOLVED IN DISPUTES WITH OTHER AFGHAN FACTIONS. U.S. MILITARY FORCE WILL BE LIMITED TO THE DEFEAT OF AQ/AQN AND TALIBAN FORCES, AND SELF-DEFENSE OF OEF FORCES, TO INCLUDE AFGHAN FORCES SUPPORTING OEF OPERATIONS.

4.F.2. (S) ADDITIONALLY PER REF S, PROVIDING SECURITY/POLICE TYPE SUPPORT (ACTIVE PATROLLING, FIXED POSITIONS, SEARCHES) SPECIFICALLY FOR THE PROTECTION OF AFGHAN OFFICIALS PARTICIPATING IN GOVERNMENT RECONSTRUCTION, REQUIRES A SEPARATE EXORD. IF CFC-A (OR ITS SUCCESSOR ORGANIZATION) SEEKS AUTHORIZATION TO PROVIDE PROTECTION TO AFGHAN OFFICIALS, SUBMIT VIA MESSAGE, EXORD AND ANY SUPPLEMENTAL ROE REQUESTS.

4.G. (S) **SUPPLEMENTAL 130.** DURING CONTINUING OPERATIONS OF ENDURING FREEDOM, POSITIVE TARGET IDENTIFICATION IS REQUIRED PRIOR TO ENGAGEMENT, SEE PARAGRAPH 4.M. FOR SPECIAL ENGAGEMENT ZONES. PID IS A REASONABLE CERTAINTY THAT THE OBJECT OF ATTACK IS A LEGITIMATE MILITARY TARGET IN ACCORDANCE WITH THESE ROE. REFER TO REF O FOR DETAILED GUIDANCE ON TARGETING AND COLLATERAL DAMAGE METHODOLOGY.

4.H. (S) **SUPPLEMENTAL 131.** AS PER REF Q, DURING CONTINUING ENDURING FREEDOM OPERATIONS IN (b)(1)1.4a AFGHANISTAN, CDRUSCENTCOM DELEGATES LIMITED TARGETING AUTHORITY TO (b)(1)1.4a

(b)(1)1.4a

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4.H.4. (S) ALL TARGETS MUST BE UNDER OBSERVATION AT TIME OF ENGAGEMENT (b)(1)1.4a

(b)(1)1.4a

(b)(1)1.4a

OPERATIONS IN SUPPORT OF ENDURING FREEDOM, TEMPORARY DETENTION OF CIVILIANS IS AUTHORIZED WHEN SUCH PERSONS ARE INTERFERING WITH MISSION ACCOMPLISHMENT OR POSSESS INFORMATION IMPORTANT TO MISSION ACCOMPLISHMENT. US MILITARY SPECIAL FORCES ARE AUTHORIZED TO TRANSPORT CIVILIANS DETAINED UNDER THIS AUTHORITY IN AFGHANISTAN TO DESIGNATED HOLDING FACILITIES WITHIN AFGHANISTAN. US MILITARY FORCES (CONVENTIONAL AND SOF) ARE AUTHORIZED TO DETAIN AND TRANSPORT TO DESIGNATED HOLDING FACILITIES CONFIRMED AND SUSPECTED ENEMY COMBATANTS. ALL DETAINED PERSONS (WHETHER CIVILIAN OR ENEMY COMBATANTS) WILL BE PROCESSED PER ESTABLISHED NOTIFICATION, SCREENING AND APPROVAL PROCEDURES AS REFLECTED IN SECDEF AND THEATER SCREENING CRITERIA AND POLICY PER REF T.

(b)(1)1.4a

(b)(1)1.4a

4.M. (S) **SUPPLEMENTAL 512.** IN SUPPORT OF OPERATION ENDURING FREEDOM OPERATIONS WITHIN AFGHANISTAN, CDRUSCENTCOM MAY DESIGNATE SPECIAL ENGAGEMENT ZONES (SEZ) LOCATED WITHIN DISCRETE GEOGRAPHIC AREAS OF CDRUSCENTCOM APPROVED AREA OF OPERATIONS (AO) . (b)(1)1.4a

(b)(1)1.4a

(b)(1)1.4a

5. **DEFINITIONS.**

5.A. ~~(S)~~ **SENSITIVE TARGETS** ARE DEFINED AS: THOSE TARGETS THAT, IF STRUCK, WOULD RESULT IN SIGNIFICANT COLLATERAL EFFECTS, INCLUDING HIGH COLLATERAL DAMAGE, EFFECTS THAT SIGNIFICANTLY IMPACT AN ADVERSARY'S NONCOMBATANT POPULATION, SIGNIFICANT EFFECTS ON THE ENVIRONMENT/ FACILITIES/INFRASTRUCTURE NOT RELATED TO AN ADVERSARY'S WAR-MAKING ABILITY, OR SIGNIFICANT PHYSICAL EFFECTS THAT REACH INTO THE TERRITORY OF SURROUNDING STATES.

(b)(1)1.4a

(b)(1)1.4a

ARE CURRENTLY UNDEFINED BY CJCS FOR OEF, THEREFORE UNTIL FURTHER CJCS GUIDANCE IS RECEIVED, ONLY THOSE GROUPS/CELLS/INDIVIDUALS LISTED UNDER PARAGRAPH 5.B. ARE INCLUDED UNDER THIS DEFINITION.

5.D. ~~(S)~~ **HIGH COLLATERAL DAMAGE TARGETS:** THOSE TARGETS THAT, IF STRUCK, ARE ESTIMATED TO RESULT IN SIGNIFICANT COLLATERAL EFFECTS (SEE REF N), INCLUDING: NON-COMBATANT CASUALTIES ESTIMATED AT 1 OR GREATER; SIGNIFICANT EFFECTS ON PROTECTED SITES; OR, IN THE CASE OF DUAL-USE FACILITIES, EFFECTS THAT SIGNIFICANTLY IMPACT THE NONCOMBATANT POPULATION, INCLUDING SIGNIFICANT EFFECTS ON THE ENVIRONMENT/FACILITIES/INFRASTRUCTURE NOT RELATED TO AN ADVERSARY'S WARMAKING ABILITY, OR; TARGETS IN CLOSE PROXIMITY TO KNOWN HUMAN SHIELDS.

6. ~~(S)~~ **ROE DESIGNATIONS:** ALL COALITION UNITS AND PERSONNEL PARTICIPATING IN ENDURING FREEDOM OPERATIONS ARE DESIGNATED FOR PROTECTION (SELF-DEFENSE) IN ACCORDANCE WITH THESE ENDURING FREEDOM ROE. ADDITIONALLY ALL NATO UNITS AND PERSONNEL PRESENT IN AFGHANISTAN SUPPORTING ISAF OPERATIONS ARE ALSO DESIGNATED FOR PROTECTION. US FORCES OPERATING WITH NATO ISAF ALWAYS RETAIN THE INHERENT RIGHT OF SELF DEFENSE IAW REF C. THE FOLLOWING NON-GOVERNMENTAL ORGANIZATIONS (NGO) AND INTERNATIONAL ORGANIZATIONS (IO) PROVIDING HUMANITARIAN ASSISTANCE/RELIEF IN AFGHANISTAN, PAKISTAN, TAJIKISTAN, TURKMENISTAN, AND UZBEKISTAN ARE ADDITIONALLY DESIGNATED FOR PROTECTION (SELF-DEFENSE) IN ACCORDANCE WITH THE ENDURING FREEDOM ROE: INTERNATIONAL RED CROSS/CRESCENT, UNITED NATIONS RELIEF AGENCIES, ANY U.S.

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GOVERNMENT OR UNITED NATIONS-SUPPORTED NGO/IO. THESE DESIGNATIONS ALONE DO NOT PROVIDE AUTHORITY TO ENTER INTO THE TERRITORIES OF THE STATES NOTED ABOVE. COMPONENT COMMANDERS MAY REQUEST ADDITIONAL DESIGNATIONS AS NECESSARY THROUGH CDRUSCENTCOM HQ. FOR THE PURPOSES OF THESE ROE, DESIGNATION OF COALITION UNITS, NON-GOVERNMENTAL ORGANIZATIONS AND INTERNATIONAL ORGANIZATIONS INCLUDES DESIGNATIONS OF MISSION ESSENTIAL EQUIPMENT AND SUPPLIES ASSOCIATED WITH SUCH UNITS OR ORGANIZATIONS.

7. (S) MIL-TO-MIL RELEASE AND COORDINATION OF APPLICABLE PORTIONS OF THESE ROE WITH NON U.S. MILITARY FORCES PARTICIPATING IN OPERATION ENDURING FREEDOM IS AUTHORIZED. REQUESTS FOR SANITIZATION AND RELEASE OF THIS ROE TO COALITION NATIONS SHOULD BE DIRECTED TO USCENTCOM (CCJ3).

8. (S) **CANCELLED MEASURES AND MEASURES REMAINING IN FORCE:**

8.A. (S) THIS MESSAGE IS INTENDED TO CONSOLIDATE AND INCORPORATE INTO ONE UNIFIED USCENTCOM DOCUMENT THOSE OEF ROE MEASURES AND GUIDANCE PREVIOUSLY ISSUED BY CJCS AND USCENTCOM, INCLUDING AUTHORITIES AUTHORIZED BY CJCS IN CJCS ROE SERIAL TWO (WITH MODIFICATIONS 001 THROUGH 004). AS USCENTCOM ROE MEASURES CONTAINED IN REFERENCES P, Q, R, S, W, AND Y ARE INCORPORATED HEREIN, THESE REFERENCES ARE HEREBY CANCELLED BY THIS MESSAGE. HOWEVER, CJCS AUTHORITIES REMAIN VALID UNTIL CANCELLED OR OTHERWISE MODIFIED BY CJCS. IF THERE ARE ANY INCONSISTENCIES BETWEEN THIS DOCUMENT AND THE UNDERLYING CJCS AUTHORITIES, THE CJCS AUTHORITIES SHALL CONTROL.

8.B. (S) SUPPLEMENTAL 116, LISTED AS PARAGRAPH 4.G. IN REF Y IS NO LONGER A VALID SUPPLEMENTAL UNDER REF C. AS THE AUTHORITIES CONTAINED IN THAT SUPPLEMENTAL ARE INHERENT IN OTHER SUPPLEMENTALS SUBJECT TO LIMITATIONS LISTED IN PARAGRAPHS 4.L. AND 4.N. OF THIS MESSAGE, THAT SUPPLEMENTAL IS CANCELLED.

9. (U) ALL COMMANDERS WILL BE INSTRUCTED TO ENSURE THEIR PERSONNEL ARE FAMILIAR WITH THE LAW OF ARMED CONFLICT AND WITH THESE ROE. IF OPERATIONALLY REQUIRED, SUBORDINATE COMMANDERS WILL PROMULGATE ADDITIONAL ROE/AMPLIFIED ROE GUIDANCE APPLICABLE TO UNITS UNDER THEIR COMMAND AND WILL SUBMIT THEM TO CDRUSCENTCOM FOR REVIEW APPROVAL VIA GUIDANCE CONTAINED IN REF C. COMMANDERS WILL BE INSTRUCTED TO ENSURE THAT MODIFIED OR SUPPLEMENTAL ROE:

9.A. (U) REMAIN COMPATIBLE WITH THE INTENT OF THESE ROE.

9.B. (U) RESULT IN MORE DEFINITIVE GUIDANCE TO SUBORDINATE COMMANDERS.

9.C. (U) DO NOT IMPAIR THE COMMANDER'S INHERENT RIGHT OF SELF-DEFENSE.

9.D. (U) **POCS** ARE CCJ3: (b)(3)130b, (b)(6) CFH: (b)(6)
(DSN); TAMPA (b)(3)130b, (b)(6) CCJ3 (b)(3)130b, (b)(6)
(b)(3)130b, (b)(6) (DSN);
(b)(6) CCJA: (b)(3)130b, (b)(6), CFH:
(b)(3)130b, (b)(6)

10. (U) **SUMMARY OF MOD 002 INCORPORATED CHANGES TO REF Y:**

10.A. (S) UPDATED REFERENCES. ADDED REF O AS USCENTCOM IMPLEMENTATION OF REF N AND ADJUSTED REFERENCES O-X ACCORDINGLY. ADDED REF Y USCENTCOM CONSOLIDATED SERIAL ONE ROE FOR OPERATION ENDURING FREEDOM MOD 001. ADDED REF Z, STAGE IV TOA MESSAGE THAT DIRECTS THAT US FORCES NATO OPCON TO ISAF WILL FOLLOW ISAF ROE FOR MISSION ACCOMPLISHMENT.

10.B. (U) PARAGRAPH 1. CHANGED WORD "BELIEVED" TO "SUPPOSED" TO CLARIFY MEANING.

10.C. (S) PARAGRAPH 3.C. ADDED REFERENCE TO RED DIAMOND ORGANIZATION TO PROTECTED FACILITIES. DELETED WORDS "ENGAGING PARTICIPATING FORCES." ADDED WORDS "UNLESS PRECLUDED BY MILITARY NECESSITY, THERE IS A REQUIREMENT TO ISSUE A WARNING BEFORE ATTACKING A HOSPITAL THAT IS USED FOR A MILITARY PURPOSE. SEE PARAGRAPH 4.C. FOR TARGETING CONSIDERATIONS WITH REGARD TO CATEGORY I AND II FACILITIES."

10.D. (S) PARAGRAPH 3.E. ADDED LANGUAGE TO CLARIFY THAT US ROE IS "OEF"

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ROE. ADDED LANGUAGE REFERRING TO REFERENCE Z WHICH DIRECTS US FORCES NATO
OPCON TO OPERATE UNDER ISAF ROE FOR MISSION ACCOMPLISHMENT AND DETAINEE
OPERATIONS.



By: MAJOR GENERAL CURTIS M. SCAPARROTTI, USA, DIRECTOR OF OPERATIONS
Reason: 1.4 (A)
Declassify On: 14 DEC 2016

DERIVED FROM: USCENTCOM Classification Guide 0501 DECLASSIFY ON: 18 Dec 2016

UNCLASSIFIEDCJCSI 3121.01B
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ENCLOSURE A

STANDING RULES OF ENGAGEMENT FOR US FORCES

1. Purpose and Scope

a. The purpose of the SROE is to provide implementation guidance on the application of force for mission accomplishment and the exercise of self-defense. The SROE establish fundamental policies and procedures governing the actions to be taken by US commanders during all military operations and contingencies and routine Military Department functions. This last category includes Antiterrorism/Force Protection (AT/FP) duties, but excludes law enforcement and security duties on DOD installations, and off-installation while conducting official DOD security functions, outside US territory and territorial seas. SROE also apply to air and maritime homeland defense missions conducted within US territory or territorial seas, unless otherwise directed by the SecDef.

b. Unit commanders at all levels shall ensure that individuals within their respective units understand and are trained on when and how to use force in self-defense. To provide uniform training and planning capabilities, this document is authorized for distribution to commanders at all levels and is to be used as fundamental guidance for training and directing of forces.

c. The policies and procedures in this instruction are in effect until rescinded. Supplemental measures may be used to augment these SROE.

d. US forces will comply with the Law of Armed Conflict during military operations involving armed conflict, no matter how the conflict may be characterized under international law, and will comply with the principles and spirit of the Law of Armed Conflict during all other operations.

e. US forces performing missions under direct control of heads of other USG departments or agencies (e.g., Marine Corps Embassy Security Guards and other special security forces), operate under use of force policies or ROE promulgated by those departments or agencies,

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when authorized by the SecDef. US forces always retain the right of self-defense.

f. US Forces Operating With Multinational Forces

(1) US forces assigned to the operational control (OPCON) or tactical control (TACON) of a multinational force will follow the ROE of the multinational force for mission accomplishment, if authorized by SecDef order. US forces retain the right of self-defense. Apparent inconsistencies between the right of self-defense contained in US ROE and the ROE of the multinational force will be submitted through the US chain of command for resolution. While a final resolution is pending, US forces will continue to operate under US ROE.

(2) When US forces, under US OPCON or TACON, operate in conjunction with a multinational force, reasonable efforts will be made to develop common ROE. If common ROE cannot be developed, US forces will operate under US ROE. The multinational forces will be informed prior to US participation in the operation that US forces intend to operate under US ROE.

(3) US forces remain bound by international agreements to which the US is a party even though other coalition members may not be bound by them.

g. International agreements (e.g., status-of-forces agreements) may never be interpreted to limit US forces' right of self-defense.

2. Policy

a. Unit commanders always retain the inherent right and obligation to exercise unit self-defense in response to a hostile act or demonstrated hostile intent.

b. Once a force is declared hostile by appropriate authority, US forces need not observe a hostile act or demonstrated hostile intent before engaging the declared hostile force. Policy and procedures regarding the authority to declare forces hostile are provided in Appendix A to Enclosure A, paragraph 3.

c. The goal of US national security policy is to ensure the survival, safety, and vitality of our nation and to maintain a stable international

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environment consistent with US national interests. US national security interests guide global objectives of deterring and, if necessary, defeating armed attack or terrorist actions against the US, including US forces, and, in certain circumstances, US persons and their property, US commercial assets, persons in US custody, designated non-US military forces, and designated foreign persons and their property.

d. Combatant Commander Theater-Specific ROE

(1) Combatant commanders may augment these SROE as necessary by implementing supplemental measures or by submitting supplemental measures requiring SecDef approval to the CJCS. The mechanism for requesting and disseminating ROE supplemental measures is contained in Enclosure I.

(2) US commanders shall notify the SecDef, through the CJCS, as soon as practicable, of restrictions (at all levels) placed on Secretary of Defense-approved ROE/RUF. In time critical situations, make SecDef notification concurrently to the CJCS. When concurrent notification is not possible, notify the CJCS as soon as practicable after SecDef notification.

3. Definitions and Authorities

a. Inherent Right of Self-Defense. Unit commanders always retain the inherent right and obligation to exercise unit self-defense in response to a hostile act or demonstrated hostile intent. Unless otherwise directed by a unit commander as detailed below, military members may exercise individual self-defense in response to a hostile act or demonstrated hostile intent. When individuals are assigned and acting as part of a unit, individual self-defense should be considered a subset of unit self-defense. As such, unit commanders may limit individual self-defense by members of their unit. Both unit and individual self-defense includes defense of other US military forces in the vicinity.

b. National Self-Defense. Defense of the United States, US forces, and, in certain circumstances, US persons and their property, and/or US commercial assets from a hostile act or demonstration of hostile intent. Unit commanders may exercise National Self-Defense, as authorized in Appendix A to Enclosure A, paragraph 3.

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c. Collective Self-Defense. Defense of designated non-US military forces and/or designated foreign nationals and their property from a hostile act or demonstrated hostile intent. Only the President or SecDef may authorize collective self-defense.

d. Declared Hostile Force. Any civilian, paramilitary or military force or terrorist(s) that has been declared hostile by appropriate US authority. Policy and procedures regarding the authority to declare forces hostile are provided in Appendix A to Enclosure A, paragraph 3.

e. Hostile Act. An attack or other use of force against the United States, US forces or other designated persons or property. It also includes force used directly to preclude or impede the mission and/or duties of US forces, including the recovery of US personnel or vital USG property.

f. Hostile Intent. The threat of imminent use of force against the United States, US forces or other designated persons or property. It also includes the threat of force to preclude or impede the mission and/or duties of US forces, including the recovery of US personnel or vital USG property.

g. Imminent Use of Force. The determination of whether the use of force against US forces is imminent will be based on an assessment of all facts and circumstances known to US forces at the time and may be made at any level. Imminent does not necessarily mean immediate or instantaneous.

4. Procedures

a. Principles of Self-Defense. All necessary means available and all appropriate actions may be used in self-defense. The following guidelines apply.

(1) De-escalation. When time and circumstances permit, the forces committing hostile acts or demonstrating hostile intent should be warned and given the opportunity to withdraw or cease threatening actions.

(2) Necessity. Exists when a hostile act occurs or when a force demonstrates hostile intent. When such conditions exist, use of force in

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self-defense is authorized while the force continues to commit hostile acts or exhibit hostile intent.

(3) Proportionality. The use of force in self-defense should be sufficient to respond decisively to hostile acts or demonstrations of hostile intent. Such use of force may exceed the means and intensity of the hostile act or hostile intent, but the nature, duration and scope of force used should not exceed what is required. The concept of proportionality in self-defense should not be confused with attempts to minimize collateral damage during offensive operations.

b. Pursuit. Self-defense includes the authority to pursue and engage forces that have committed a hostile act or demonstrated hostile intent, if those forces continue to commit hostile acts or demonstrate hostile intent.

c. Defense of US Persons and Their Property, and Designated Foreign Persons

(1) Within a Foreign Nation's US-Recognized Territory, Airspace or Seas. The foreign nation has the principal responsibility for defending US persons and property within its territory, airspace or seas. Detailed guidance is contained in Enclosures B, C and D.

(2) Outside territorial seas. Nation of registry has the principal responsibility for protecting civilian vessels outside territorial seas. Detailed guidance is contained in Appendix A to Enclosure B (Maritime Operations).

(3) In International Airspace. Nation of registry has the principal responsibility for protecting civil aircraft in international airspace. Detailed guidance is contained in Enclosure C (Air Operations).

(4) In Space. Detailed guidance is contained in Enclosure E (Space Operations).

d. Piracy. US warships and aircraft have an obligation to repress piracy on or over international waters directed against any vessel or aircraft, whether US or foreign flagged. For ship and aircraft commanders repressing an act of piracy, the right and obligation of unit self-defense extend to the persons, vessels or aircraft assisted. Every effort should be made to obtain the consent of the coastal state prior to

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... announced last week that about 8,000 troops would be withdrawn from Iraq by early next year, while more troops

... told reporters Monday. The task force will replace the

gress last week. "It's the risk of not sending great a risk to ignore."

E-mail Jeff Schogol at: jeffrey.schogol@stripes.osd.mil

Bomb kills two in Afghanistan

By AMIR SHAH
The Associated Press

KABUL, Afghanistan — A roadside bomb killed two people in western Afghanistan on Monday in the same province where insurgents also attacked two Americans training the police force, officials said.

The target of the attack was the chief of Shindand district of the western Herat province, said Rauf Ahmadi, the region's police spokesman.

The bomb was placed on a motorbike and missed the district chief but killed two others, including his son, who was riding in a separate vehicle, Ahmadi said. Seven other people were wounded.

Separately, gunmen fired on a vehicle carrying two Americans involved in training Afghan police, as they traveled from Islam Qala, the border point between Afghanistan and Iran also in Herat province, said the provincial border police chief Rahmatullah Safi.

The Americans were not harmed in the Monday

attack, but their bulletproof vehicle was damaged, Safi said.

In the eastern Khost province, U.S.-led coalition troops detained eight militants Sunday during two raids targeting militants associated with Siraj Haqqani, the son of longtime warlord Jalalludin Haqqani.

The U.S. has called Siraj Haqqani a ruthless new brand of militant leader and last year announced a \$200,000 reward for his capture.

American troops have launched a number of operations against his network in the east of the country, where number of insurgent attacks have been on the rise.

Haqqani, a Taliban-associated militant with close ties to al-Qaida, is accused of masterminding beheadings and massive bombings.

He is believed to be in Pakistan's tribal areas.

More than 4,100 people, mostly militants, have died this year in insurgency-related violence in Afghanistan, according to figures compiled by The Associated Press.

Danish prime minister makes Afghan visit

The Associated Press

COPENHAGEN, Denmark — Denmark's prime minister made an unannounced trip to Afghanistan on Monday to visit Danish troops in the strife-ridden southern Helmand province.

In an interview with Denmark's TV2 News, Prime Minister Anders Fogh Rasmussen said he had visited a Danish military camp and spoken to soldiers who

are part of the NATO-led force in Afghanistan.

"The soldiers told me that they really appreciate it that I came all the way out here," Fogh Rasmussen said. "It is a dangerous mission, and they deserve our support."

Denmark has about 700 troops serving in the NATO force. Sixteen Danish soldiers have been killed in Afghanistan since 2002.

"They have not given their lives in vain because what we also can see is that a growing part of the area has been liberated from the Taliban, and ordinary Afghans can now live an ordinary life there," Fogh Rasmussen said.

Denmark has been threatened on Islamist Web sites because of the publication of caricatures of the Prophet Muhammad in Danish newspapers.

A man wounded in the twin bombings in Baghdad on Monday. Two cars parked nearby were destroyed and five and wounded 15 others.

At least 35 die in bombings in Baghdad area

The Associated Press

BAGHDAD — Bombings in Baghdad and northeast of the capital killed at least 32 people Monday, Iraqi officials said, the latest in an apparent bid by insurgents to chip away at growing public confidence in recent security gains.

At least 22 were killed and 33 were wounded in a suicide bombing in an evening attack in Balad Ruz, 45 miles northeast of Baghdad, said Maj. Gen. Abdul-Karim al-Rubaie, the military commander of operations in Diyala province. Many of the dead were police.

A police officer said the attacker was a woman. The

Iraqi officials said the explosives-laden cars were parked between a passport office and a courthouse when they blew up nearly simultaneously in the mainly Shiite neighborhood of Karradah.

Authorities lifted a ban on parking vehicles in the area about three months ago, although the buildings remained surrounded by concrete walls for against bombings.

Police said nearby the

Encl Y

FRAGMENTARY ORDER 44	
CJSOTF-A CDR OPERATIONAL GUIDANCE TO CJSOTF-A OEF XII BASE OPORD 08-01	REFERENCES: <ul style="list-style-type: none">- CJSOTF-A OEF XII BASE OPORD 08-01- FRAGO 02 OPERATIONAL GUIDANCE- ISAF TACTICAL DIRECTIVE, 2SEP08- EMAIL DTG 071402ZSEP08 TITLE: CDR'S GUIDANCE
SITUATION	
A TREND IS DEVELOPING THROUGHOUT THE COMMAND IN WHICH MANEUVER UNITS ARE QUICKLY RESORTING TO CAS UPON CONTACT AND ARE NOT GAINING COMPLETE SITUATIONAL AWARENESS OF THE POSSIBLE COLLATERAL DAMAGE POTENTIAL – THIS ESPECIALLY PERTAINS TO THE USE OF CAS AGAINST ENEMY FORCES IN COMPOUNDS. THIS TREND HAS CAUSED AN EXCRUCIATING PRESSURE ON THE CJSOTF-A IN REGARDS TO CIVILIAN CASUALTIES (REAL, PERCEIVED OR FABRICATED BY THE AAF).	
MISSION	
NO CHANGE.	
EXECUTION	
COMMANDER'S INTENT: NO CHANGE.	
CONCEPT OF THE OPERATION:	
<p>EMPLOYMENT OF CAS ON COMPOUNDS IS UNACCEPTABLE UNLESS IT IS DEEMED AS A TACTICAL NECESSITY IOT PROTECT LIVES OF COALITION FORCES AS COALITION FORCES ARE RECEIVING EFFECTIVE FIRE FROM A BUILDING THAT COULD CONTAIN CIVILIANS.</p> <ul style="list-style-type: none">- CAS WILL NOT BE EMPLOYED ON BUILDINGS / COMPOUNDS IF THERE REMAINS A VIABLE OPTION TO ENGAGE / SUPPRESS THE TARGET IN A MORE PROPORTIONAL MANNER AND ASSESS THE POSSIBILITY OF COLLATERAL DAMAGE.- DIRECT FIRE WEAPONS SYSTEMS WILL BE EMPLOYED TO ADDRESS THREATS INSIDE OF BUILDINGS / COMPOUNDS. DIRECT FIRE WEAPONS CAN BE DEFINED AS CLEARING WITH COALITION FORCES OR UTILIZING PRECISION / HEAVY WEAPON SYSTEMS. <p>IF THERE IS ANY EVIDENCE OF CIVILIAN CASUALTIES AND IT IS <u>TACTICALLY FEASIBLE</u>, THE GROUND FORCE COMMANDER WILL DO THE FOLLOWING:</p> <ul style="list-style-type: none">- REMAIN IN PLACE- CONDUCT A THOROUGH SSE OF THE TIC LOCATION- PHOTOGRAPH / VIDEO ALL PERTINENT DETAILS IOT RECORD PROOF OF THE EVENT <p>IF CIVILIAN CASUALTIES ARE SUSPECTED AND THE SITUATION PERMITS, THE GFC WILL TAKE STEPS IOT IMMEDIATELY MITIGATE NEGATIVE PERCEPTIONS FROM THE LOCAL POPULACE AND / OR MEDIA. THESE STEPS INCLUDE:</p> <ul style="list-style-type: none">- CONDUCTING AN HA DROP- CONDUCTING A SHURA / KLE IOT DISCUSS CAUSES OF THE ENGAGEMENT- COORDINATING FOR SOLATIA (REPARATIONS) <p>IF POSSIBLE, ENGAGEMENTS WITH LOCAL, DISTRICT, PROVINCIAL, AND ANSF LEADERS WILL OCCUR AFTER HIGHLY LETHAL ENGAGEMENTS.</p> <ul style="list-style-type: none">- KLEs WILL BE DONE CONCURRENT TO THE OPERATION AS A DELAY IN REPORTING WILL GIVE THE AAF A HEAD START IN THE IO FIGHT. <p>ANSF WILL BE THE LEAD IN ALL OPERATIONS.</p> <ul style="list-style-type: none">- UNITS SHOULD STRIVE TO OBTAIN A 1:1 RATIO OF ANSF TO USSOF- IF THERE IS LIMITED AVAILABILITY OF ANSF TO THE UNIT AND A 1:1 RATIO IS	

UNACHIEVABLE, CJSTOF-A HQ MUST BE NOTIFIED PRIOR TO EXECUTING THE OPERATION - ANSF WILL ALWAYS ENTER AN OCCUPIED DWELLING FIRST	
TASKS TO SUBORDINATE UNITS: NONE	
COORDINATING INSTRUCTIONS:	
SERVICE SUPPORT	
NO CHANGE	
COMMAND AND SIGNAL	
COMMAND: - NO CHANGE	SIGNAL: - NO CHANGE
ACKNOWLEDGE:	
OFFICIAL /S/ (b)(6)	(b)(6) COL
J-3	

Approved for Release

Meetings of Secretary Robert Gates with Afghan Cabinet Ministers on September 17, 2008, Kabul, Afghanistan

Secretary Gates met with President Karzai one on one for about 45 minutes and discussed bilateral issues.

Security Meeting:

The second meeting was held around 9:30 a.m. and was focused on military, security, and counter-narcotic issues. The following Afghan ministers were in attendance:

1. [REDACTED]
2. [REDACTED]
3. [REDACTED] (b)(6)
4. [REDACTED]
5. [REDACTED]

Some members of the US delegation were:

1. Secretary Robert Gates
2. Ambassador William Woods
3. General McKiernan
4. Lieutenant General Rodriguez
5. [REDACTED] (b)(6)

Several other DOD staff members were also in attendance but I did not recognize them.

General Wardak opened the meeting and welcomed Secretary Gates and thanked him and the United States for their unwavering and generous support. He added that the decision to increase the size of the Afghan National Army to 134,000 is welcome by the Afghan side. Gen. Wardak went on to say that 2008 was the bloodiest year for Afghanistan both in term of number of civilian casualties and the intensity of the fight. He added that there is an influx of foreign fighters who have joined the Taliban. He commented that perhaps because of the US military success in Iraq, these foreign fighters have turned their focus on Afghanistan. General Wardak added that Taliban attacks seem to be more sophisticated and very well coordinated. According to Wardak Taliban are receiving advanced training and weapons from foreign fighters and they receive adequate funding from foreign supporters. He went on to add that some of these foreign fighters use interpreters to communicate with the local Taliban.

General Wardak said that the ANA will have 86,000 trained soldiers by January 2009. According to Wardak the ANA is taking a lead role in approximately 60% of the battles. He expressed hope that additional ANA troops will be trained and deployed a year ahead of the proposed deadline.

Secretary Gates opened his remarks by expressing regrets and offering condolences for the civilian casualties in Shindand and added that the United States takes extraordinary measures to minimize civilian casualties. He said that the US is prepared to pay

compensation to the families of the victims. Mr. Gates added that we should be aware of the fact that Taliban often exaggerate the number of civilian casualties and use it as a propaganda tool to create a rift between the government and the population. Mr. Gates added that General McKiernan is working on better coordination of future operations with the Afghan side. Mr. Gates agreed with General Wardak's proposal that in the future such incidents should be investigated by a joint Afghan-US investigation team.

Secretary Gates discussed the finances of increasing the size of the ANA and said that it would cost 4 to 5 billion dollars in the first year and then maintaining the size of the army would be around 3.1 billion a year. Mr. Gates went on to say that United States will shoulder the lion share of this cost but it will also ask other allies to contribute financially.

Mr. Gates added that he stressed to president Karzai that it is very important to proceed with the presidential election next year and that the US will help in providing security for the election.

Mr. Zarar spoke next and narrated a list of achievements in his ministry. He said that police reform program is proceeding smoothly and that computerized ID cards have been issued to most of police force. He also added that over 85 percent of the ANP members are receiving their salaries via direct deposits to their bank accounts. He added that the Afghan auxiliary police force has been disbanded and as of now there is no auxiliary police anywhere in the country. Some of the other information he provided:

- 2500 Afghan Civil Order Police have been trained and deployed
- IDR (In District Reform) is going on in various districts
- 5000 Literate NCOs have been trained and were deployed to various provinces
- Capability of training NCOs had increased from 400 per year to 8000 per years

Zarar went on to say that MOI is working diligently on the issues of transparency and fighting corruption. He said that 203 cases of corruption have been investigated and 349 police officers have been referred to the prosecutor's office for trial. He added that security preparation for the upcoming election is well underway and will be completed by February 2009.

Zarar added that 748 ANP members were killed and 1100 more were injured in the past six months. He asked for additional training and funding for the police force.

Secretary Gates commented that these reforms were very impressive and expressed US support for further training and added that corruption and drug production will aid the enemy.

Governance Meeting:

This meeting was focused on better governance and was attended by the following members of Afghan cabinet:

- 1.
- 2.
- 3.
- 4.
- 5.

(b)(6)

This session opened with (b)(6) remarks during which he thanked Secretary Gates and the United States for their support. (b)(6) went on to say that lately there has been a lot of press reports stating that there is no military solution for defeating the insurgency. He went on to say that he will not accept this premise that we need to be resolute in fighting the Taliban and even if we negotiate we have to do so from a position of strength. He added that Afghanistan needs continued support from the US and other allies for a long time to come.

On the issue of reconstruction, (b)(6) added that reconstruction is important but we also need good governance to succeed and without good governance we can not achieve meaningful reconstruction. Spanta added that democratization is very important and we need moderate democrats to be part of the government.

Secretary Gates commented that he agrees with (b)(6) on both issues. Mr. Gates added that we need to challenge the extremist and corrupt officials. He added that victory will not be achieved thru military force only. Mr. Gates once again stressed the need to hold elections in a timely fashion and expressed US readiness to help with providing security for the election.

(b)(6) Minister of Rural Development, spoke next and presented a list of projects that his ministry has completed. He mentioned that the crown jewel of his ministry's achievement is the National Solidarity Programs which have been very successful. He said several thousand local councils have been formed and these councils propose and implement projects in their areas.

Mr. Gates asked him if there was enough coordination among the PRTs and his ministry. (b)(6) said coordination is a problem and needs to be improved.

Dr. Ahadi spoke next and said that in his opinion "Afghanization" of security forces is very important. He then asked who would be financing the cost of increasing the size of the ANA. He said that at the present time Afghanistan is not capable paying for the cost and expressed hope that one day it will be able to do so.

Mr. Gates responded that the US will shoulder most of the cost and will also ask other allies to contribute as well. (b)(6) added that Afghanistan is determined to implement reforms but some of the international agencies such as the IMF need to be a little flexible on imposing restrictions. He also added that ministry of finance needs assistance from US treasury department. (b)(6) added that Afghans are grateful for the assistance they received from donor countries. Donor countries were eager to provide assistance but initially there were a lot of duplications in their efforts. He added that many schools and

clinics were built but donor countries failed to provide funds for staffing the schools and clinics.

Then (b)(6) spoke about corruption in his department. He went on to say that he was the seventh minister of transportation in seven years. He added that when he took charge of the ministry, transport ministry was the most corrupt among all government ministries in Afghanistan. He even joked if there was a medal awarded for corruption his ministry would be the winner. He added that 40 percent of his staff lack high school diplomas. He went on to say that during the past year revenues of the Ministry of Transport increased over 200 percent and countrywide the revenues are up over 100 percent. He added that 5 international firms have been short-listed to provide security for Kabul International Airport and very soon the contract will be awarded. He added that in the next five years 15 new airports will be built.

Mr. Gates expressed concern about the security along the Afghan Highways and (b)(6) (b)(6) acknowledged the problem.

At the end of the session (b)(6) briefly spoke about plans for reforming governance and said that his department has the most difficult task of proposing skilled and honest civil servants for various jobs. Due to time constraint his remarks were cut short and the meeting ended around 10:15 a.m.

OBJ: **ISAF**
OP: CLAY

ISAF

IS1490

HQ ISAF TARGET

IS1490
MULLAH SADEQ
AKA: SAIDQ

NOMINATING AGENCY: SOCCE
LEAD AGENCY: TF45

LAST FOLDER UPDATE: 02 JULY 08
LAST REPORT DATE: 26 JUNE 08
HIGHER CLASSIFIED TGT PACK AVAILABLE: NO
HELD AT: N/A

IS1490


OBJ: **ISAF**

OP: CLAY

NATO SECRET REL ISAF

MULLAH SADEQ

IS149



POSITION:
Taliban SUB commander in Farah Province, IED Facilitator.

AQ/IAQI:
Kaaki Safed, Bala Beluk, Farah Province.

TRIBE/SUBTRIBE: Unknown.

SIGNIFICANCE:


- Taliban commander that operates in western Farah Province.
- Commands attacks on Friendly Forces.
- Commands 20 - 30 fighters.

DESIRED EFFECTS:


CAPTURE:
The capture of Mullah Sadeq will temporarily degrade Taliban operations throughout western Farah province, and provide important intelligence.

KILL:
The death of Mullah Sadeq will impede Taliban operations in Farah province.

TARGET LOCATION IMAGE



LAST KNOWN LOCATION
GHAWS// 41S MS 2806 3600





IS TARGET RC - COORD ? Y

NOMINATING AGENCY	SOURCE		
TARGET LEAD	TF-45		
PROVINCE	FARAH		
VETTING			
C&I REVIEW			
REPORT-SUMMARY:	TOTAL	SOURCES	RELIABLE
HUMINT			
SGINT			
IMINT			
OTHER			
LEGAD REVIEW			
ON JPCL			

Encl BB

OBJ: NATO SECRET REL ISAF IS1490

OP: CLAY

 **Intel Summary Sheet / Reporting Index** 



No.	Flag
1	A
2	B
3	C
4	D
5	E
6	F
7	G
8	H
9	I
10	J
11	K
12	L

(b)(1)1.4c

NATO SECRET REL ISAF 3

OBJ: NATO SECRET REL ISAF IS1490

OP: CLAY

 **BACKGROUND INFORMATION** 

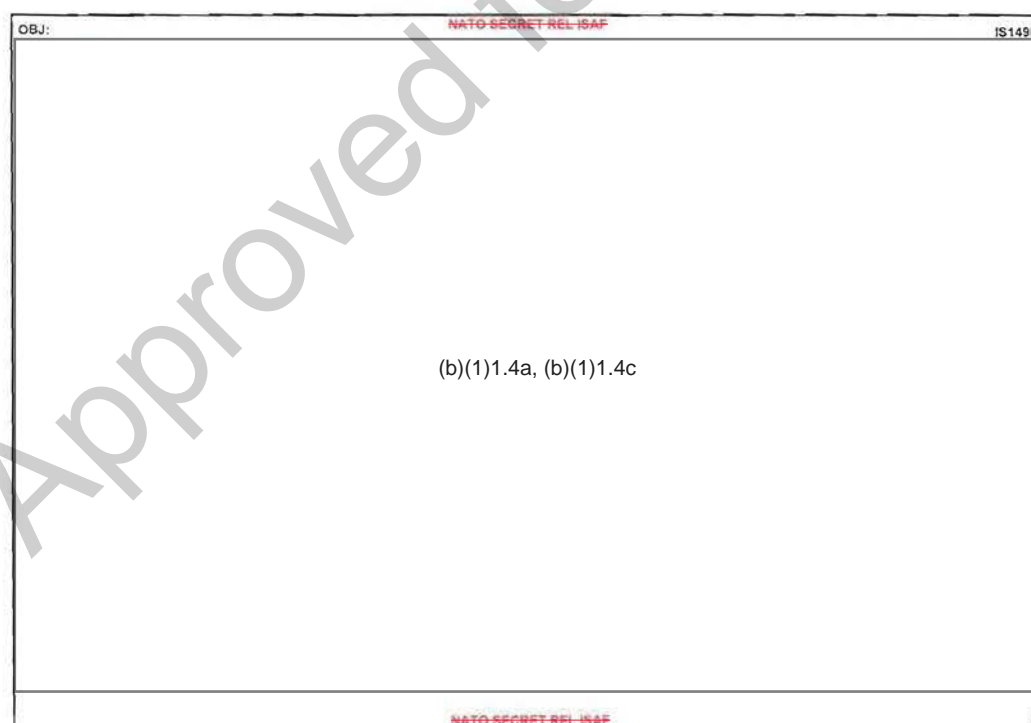
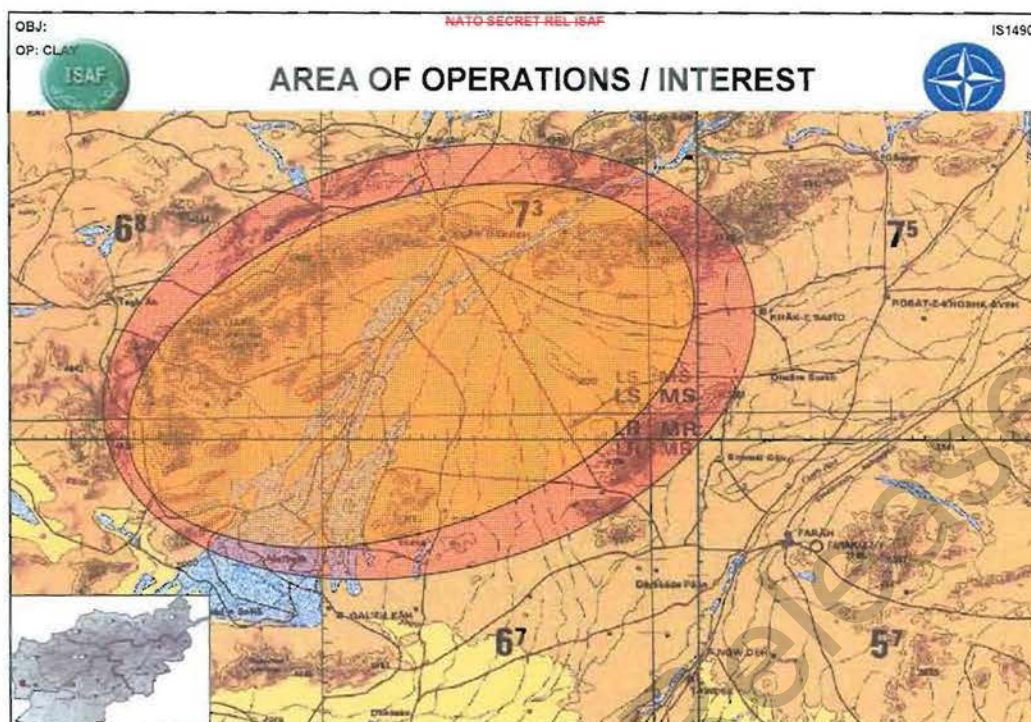
PHYSICAL DESCRIPTION:
N/A

EDUCATION / LANGUAGE(S):
N/A

GOVERNMENT / OFFICIAL LINKS:
N/A



FAMILY / KEY ASSOCIATES:
N/A

NATO SECRET REL ISAF 4



OBJ: NATO SECRET REL ISAF IS1490

OP: CLAY



 **REPORTING** 

(b)(1)1.4c

NATO SECRET REL ISAF 7

OBJ: NATO SECRET REL ISAF IS1490

OP: CLAY

 **REPORTING** 

(b)(1)1.4c

NATO SECRET REL ISAF 8

OBJ: NATO SECRET REL ISAF IS1490

OP: CLAY

ISAF

Reporting

(b)(1)1.4c

NATO SECRET REL ISAF 9

OBJ: NATO SECRET REL ISAF IS1490

OP: CLAY

ISAF

Reporting

(b)(1)1.4c

NATO SECRET REL ISAF 10

OBJ:
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NATO SECRET REL ISAF

IS1490

ISAF

Reporting

(b)(1)1.4c

NATO SECRET REL ISAF

11

OBJ:
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NATO SECRET REL ISAF

IS1490

ISAF

Reporting

(b)(1)1.4c

NATO SECRET REL ISAF


12

OBJ:
OP: CLAY

NATO SECRET REL ISAF

Reporting

IS1490



(b)(1)1.4c

NATO SECRET REL ISAF


13

OBJ:
OP: CLAY

NATO SECRET REL ISAF

Reporting

IS1490



(b)(1)1.4c

NATO SECRET REL ISAF

14

OBJ: NATO SECRET REL ISAF IS1490

OP: CLAY

ISAF

Reporting

(b)(1)1.4c

NATO SECRET REL ISAF 15

OBJ: NATO SECRET REL ISAF IS1490

OP: CLAY

ISAF



Reporting

(b)(1)1.4c

NATO SECRET REL ISAF 16

OBJ: NATO SECRET REL ISAF IS1490

OP: CLAY



 Reporting 

(b)(1)1.4c

NATO SECRET REL ISAF 17

OBJ: NATO SECRET REL ISAF IS1490

OP: CLAY

 Reporting 

(b)(1)1.4c

NATO SECRET REL ISAF 18

OBJ: NATO SECRET REL ISAF IS1490

OP: CLAY

ISAF

Kill/Capture Analysis

(b)(1)1.4c

NATO SECRET REL ISAF 19

OBJ: NATO SECRET REL ISAF IS1490

OP: CLAY

ISAF

ROE 429 EXPLAINER TO ISAF ELEMENTS

NOT EXPLAIN RULE 429 WORK YOUR WAY DOWN STATEMENTS IN LEFT HAND COLUMN WHILE EMPLOYING CLARIFYING GUIDANCE IN RIGHT HAND COLUMN, AS NECESSARY.

STATEMENTS EXPLAINING RULE 429	CLARIFYING GUIDANCE
1. From 4 May	3. This guidance does not apply to situations of self-defence/extended self-defence/anticipatory self-defence
2. With the authority of your TF CDR in the rank of OF-5 or higher. If the TF commander is OF-4 or below, authority is with the RC-CDR.	4. Insurgency defined by AAP-6 as 'an organized movement aimed at the overthrow of a constituted government through use of subversion and armed conflict.' (emphasis added) Targets being their ground forces and facilities (GFF); military supply and storage (MSS); command, control, communications, computers and intelligence (C4I). Examples include AQ, HIG, TBN.
3. You will be able to attack	6. (Insurgents) resisting ISAF in its mission to facilitate the lawful extension of Afghan government authority to secure and stabilise Afghanistan, OR challenging ISAF's complete and unimpeded freedom of movement, by realistic and identifiable threat of force or use of force (use wide interpretation)
4. Positively identified insurgents	
5. In the AO (land and airspace of AFG)	
6. Only in the circumstances of rule 429 a or b	
7. According to the law of armed conflict	
8. If using joint fires, apply the CDE methodology...	
9. ...NOT find the target engagement authority...	
10. ...Who must apply the principles of LOAC especially proportionality and military necessity before deciding upon an attack	
11. 1 or more predicted civilian deaths is a COMJFC(B) call	

NATO SECRET REL ISAF 20

~~NATO/ISAF SECRET~~

Headquarters
International Security Assistance Force

KABUL AFGHANISTAN

COMISAF

11 September 2008

MEMORANDUM FOR RECORD

SUBJECT: Shindand Communication After Action Review (AAR)

1. BACKGROUND: Timeline of the communication events following the actions on the objective at Shindand. Coalition actions in bold print.

220430LAUG08: **OBJ Cleared; SSE and tactical questioning initiated, embedded media present.**

220530LAUG08: **SSE identifies 3 dead children, 2 dead women and a wounded daughter/mother; relayed information to SOTF-73.**

220531LAUG08: **USSF provide medical treatment to wounded daughter/mother and prepare for ground CASEVAC to FB THOMAS.**

220730LAUG08: **CAT 812 notifies Shindand Sub Governor (b)(6) to discuss the operation, and its results.**

220745LAUG08: **SE and ME RTB to FB Thomas; Mission Complete.**

220930LAUG08: Sub Governor arrives at Azizabad and demonstration in progress; ANP and other outside GIROA/ANSF elements denied access to Azizabad for about five hours.

221030LAUG08: Media reports indicate the ANP brought HA supplies to the village but were turned away by protestors. Protestors threw rocks at the ANP who responded by firing allegedly killing one protestor, wounding two others.

221200LAUG08: **GEN McKiernan phonecon; MG Schloesser directs 15-6 investigation.**

221230LAUG08: **CJTF-101 press release: 30 insurgents killed, 5-7 civilian casualties.**

221510LAUG08: Media release quotes Minister of Defense Spokesmen General Mohammad Zahir Azimi in stating "Planes bombed the area and in the result 25 Taliban were killed including two famous commanders... Unfortunately five civilians were also killed."

221630LAUG08: **USSF meets with Herat Delegation (including LN press) to discuss the operation and showed them the weapons and results of the sensitive site exploitation; 15-6 Investigation Initiated (b)(6)**

221720LAUG08: (b)(6) (ANP CDR of Western Zone) is quoted by AP stating "Of the 76 civilians killed in the air strike, 19 are women and 50 children."

222000LAUG08: **GEN McKiernan makes a phone call to NDS. (b)(6) - who supports report of 76 civcas.**

231933LAUG08: President Karzai condemns the operation stating "that at least 70 people, including women and children, were killed during this operation" and "strongly condemned the unilateral operation of the Coalition Forces."

~~NATO/ISAF SECRET~~

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SUBJECT: Shindand Communication After Action Review (AAR)

241030LAUG08: Shindand radio station manager threatened by INS elements, told to play a message which asked local populace to "rise up against Americans". Station Manager has fled to Herat and has not set a date when he will return.

241645LAUG08: Media reporting indicates (b)(6) relieved 207th Corps Commander (Gen Jalandar Shah) and ANA CDO BN CDR ((b)(6)) for "negligence and concealing facts."

241658LAUG08: President Karzai announces Minister of Haj and Religious Affairs (b)(6) as the lead investigator in the aftermath of the operation. Orders Ministry to pay retributions of \$2000 USD to each of the families of the 90 "civilians" killed.

251000LAUG08: (b)(6) and assorted GIRoA representatives meet with TF-87 (CJSOTF) Commander in Herat. They requested proof of intelligence and reason why ground forces were not used. Commander explained the operation to delegation and informed them of the on-going 15-6 investigation.

260700LAUG08: **CJSOTFA CDR, Sub Governor, CDO BN XO, USSF Tm LDRs conduct Shura to discuss current events, fall out and road ahead.**

281600LAUG08: **GEN McKiernan meets with MOD (b)(6)**

281700LAUG08: **GEN McKiernan meets with NDS Chief (b)(6) in COMISAF office.**

291530LAUG08: **GEN McKiernan conducts interview with NYT reporter, (b)(6) (b)(6) to express regret at the loss of life in airstrikes in Shindand. Disagreed with UN and Afghan reports. Expresses need for UN to complete joint inquiry before making public announcements.**

301330LAUG08: **GEN McKiernan meets with United Nations.**

30-----LAUG08: **BG Blanchette conducts press interviews confirming the launch of a joint probe.**

31-----LAUG08: Pres. Karzai issues findings of his probe led by Min of Hajj concluding that 90 were killed.

021300LSEP08: **Joint Inquiry with representatives from ISAF, Afghan Government, and UNAMA to discuss separate investigation methodology and results.***

021700LSEP08: **CJTF-101 press release: announces completion of Shindand investigation and findings**

031730LSEP08: **CJTF-101 provides responses to (b)(6) detailed questions on Shindand.**

031800LSEP08: **ISAF press release: GEN McKiernan concurs with Coalition investigation, expresses condolences for loss of civilian life, calls for GIRoA, UNAMA, and International military forces to work together on Joint Investigations.**

040800LSEP08: **GEN McKiernan meets with UN SRSG (b)(6)**

050800LSEP08: **ISAF Press release: GEN McKiernan expresses condolences, accepts responsibility for continuing to account for differences in casualty numbers GIRoA.**

COMISAF

SUBJECT: Shindand Communication After Action Review (AAR)

061515LSEP08: **CJTF-101 provides responses to NYT**
071745LSEP08: **CJTF-101 provides additional responses to NYT**
071900LSEP08: **GEN McKiernan meets with (b)(6) to discuss changes in Tactical Directive and additional mission approval requirements.**
072314LSEP08: **CJTF-101 Press release: GEN McKiernan requests CENTCOM appoint general officer to review US Shindand investigation and findings with regard to emerging evidence.**

*UNAMA representative indicated during the Joint Inquiry on 2 September that the SRSG (b)(6) (b)(6) and Secretary Rice would have to work out terms of reference before anything could move forward on establishing a Joint Inquiry QRF involving UNAMA.

2. LESSONS LEARNED:

a. Agreement is needed with GIRoA and UN to work together to reach a common conclusion in investigations of this nature and to reserve public comment until reports are finalized. We cannot allow the insurgent forces to capitalize on incidents like this to drive a wedge between GIRoA and its people, and the International military forces, and to achieve victory in the information battle space. Lead with an Afghan face on press conferences, supported by ISAF or USFOR-A as appropriate.

b. Leadership expressing condolences for the civilian casualties and accepting responsibility for getting to the truth early, and engaging host nation leadership at all levels immediately is very beneficial toward quelling escalating tensions. At local level, a Shura should be conducted as soon as all facts are confirmed (still working).

c. Careful consideration of employment of close air support and indirect fire, collateral damage estimates and risk mitigation are essential in particular when conducting operations in proximity of civilian populations. See ISAF Tactical Directive.

d. Public affairs considerations must be included in the planning stage of any operation or contingency plan. A deliberate plan must be developed to acquire imagery to document the situation in any operation by all available means when possible (Combat camera, military photojournalist with mobile DVIDS, aerial imagery, embedded journalists) and pre-planned actions to rapidly declassify imagery as needed to distribute to the public without delay. Afghan media may have greater credibility with the local population, but care must be taken to ensure they understand the context of what they are observing. Imagery collected in Sensitive Site Exploitation should not be limited to the evidence collected on the site, but should also include panoramic shots that demonstrate the total extent of destruction and casualties to counter claims of excessive destruction and civilian casualties.

e. As practical, pattern of Life studies should be conducted in advance on targeted buildings or compounds to ensure potential collateral damage will not occur during counter-insurgency operations. Additionally, casualty estimates should account for additional possible casualties under rubble of structures damaged by close air support or indirect fires.

COMISAF

SUBJECT: Shindand Communication After Action Review (AAR)

f. If possible the force should maintain site security after SSE until GIRoA and UN officials arrive to the scene is preserved so it is not leveraged as an opportunity for insurgent exploitation. This should be followed as soon as possible with a Shura to hear the local community's concerns, resolve issues, and make salacia payments (reparations for the deceased in accordance with national policies) as appropriate.

g. Other information actors IO, Psyops, Polad, SCR, etc., need to engage in the process, informing educating and also as part of the crisis team to deal with similar incidents in future.

h. Ongoing need to reinforce positive messages about our approach to civilian casualties and reinforce insurgent propaganda and use/abuse of civilians.

3. ACTIONS TAKEN:

6 Press Releases

1 Press Interview

8 Key Leader Engagements

- Established CIVCAS Media Action Team

- Established 24/7 Stratcom Duty Officer - ICB, IO, PAO and Psyops desk in ISAF Joint Operations Center

- Issued Tactical Directive (see item D below)

ANSF participation required; all ISAF operations will be combined

Proportionality; discrimination

Restraint on targets including civilian noncombatants

No uninvited entries of Afghan houses, mosques, religious sites

Respect for Afghans, Afghan culture, Afghan customs, Islam

Escalation of Force – set conditions to avoid use of lethal force

Be first with the truth – acknowledge when at fault, investigate rapidly, notify authorities

- Held Commanders Conference focused on:

Reducing Civilian Casualties (Proportionality and Restraint)

Partnering with ANSF

Escalation of Force

4. WAY AHEAD: The insurgents and foreign fighters are aware of the usefulness of reporting exaggerated civilian casualties to the media – in particular in conjunction with the employment of close air support and/or indirect fires. The countermeasures include but are not limited to the following:

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SUBJECT: Shindand Communication After Action Review (AAR)

a. An ISAF Joint OPG on the rapid reaction element is underway. The purpose is to develop a contingency plan to quickly assemble investigators from GIROA, International Forces, UN, and a media pool consisting of Afghan and International media, broadcast, radio and print to deploy to an incident location to report the accurate situation at the scene. Deadline 17 September 08.

b. Media QRF: Would involve assembling a Media Pool on short notice and prioritizing lift assets to move the media element to an incident site to document the actual situation on the ground. This could be either Combat Camera, military photojournalists with DVIDS, and/or Afghan and International media, broadcast, radio and print journalists. The QRF response could be conducted at the Regional Command or ISAF/USFOR-A levels. The Afghan and International media would be preferable as independent third party validators.

c. Command themes and messages: Key leaders articulating the enemy strategy of exaggerating civilian casualty reports to counter our tactical successes in an attempt to drive a wedge between the GIROA and its people, and the International military forces. The Human Rights Watch organization recently released its report on "Troops in Contact" Airstrikes and Civilian Casualties in Afghanistan which acknowledges that the insurgents and foreign fighters are responsible for the most civilian deaths. They purposefully use civilians as shields to deter US and NATO attacks, or fire at US and NATO forces from within civilian populations to draw counterattacks and create civilian casualties.

d. ISAF Tactical Directive update (extract):

(1) Use of air-to-ground munitions and indirect fire. We are engaged in a counterinsurgency in an extremely demanding environment. We operate at altitudes over 10,000 feet, in rugged mountain terrain, in hot desert plains and in crowded, urban environments. We are fighting an enemy that often cannot be identified before he has struck and then melts away into the civilian population afterwards. The battle is often waged among civilians and their property. We must clearly demonstrate proportionality, requisite restraint, and the utmost discrimination in our application of firepower.

(2) Leaders at all levels must factor into their battle command decisions the possibility of unintended consequences such as civilian casualties or property damage versus the military gains of the application of firepower into populated and built-up areas. We may have more to gain safeguarding the civilian populace by letting an adversary go than we do by defeating the insurgent, but suffering civilian casualties or destroying people's homes. There will likely be another opportunity to engage the insurgent without undue risk to civilians or their property. These effects should be carefully weighed by the ground commander prior to every action. Until I otherwise direct or amend, I direct you to do the following immediately:

(a) We will only use air-to-ground munitions or indirect fires against Afghan houses or compounds when we have taken fire from those facilities, or when there is an imminent threat from those facilities and the on-scene commander has determined there is no other way to protect the force. The potential gain of calling in fire should be weighed against the cost of injuring or killing civilians. Under specific conditions we will use air-to-ground munitions for purposes of

COMISAF

SUBJECT: Shindand Communication After Action Review (AAR)

deliberate or dynamic targeting against a known threat. Before employing such firepower, the on scene commander must ensure he has done all that is practicable to minimize civilian casualties and damage to civilian property. Where the threat (of serious injury or to life) is no longer imminent, such as in circumstances where there has been an appreciable lapse of time (as determined by the respective Regional Command or directives) between the hostile fires or imminent danger observed from the facility, indirect fires and/or air-to-ground munitions will not be used against that facility unless hostile fire resumes or an immediate threat re-emerges. Above all we will only fire on facilities in adherence with the Law of Armed Conflict, the Rules of Engagement (ROE) and our Standard Operating Procedures (SOP).

(b) We know our enemy employs the technique of harboring himself in civilian houses and among civilians. In such a case engaging our adversary could have an adverse impact, if it causes us to do harm to civilians or their property. Our first choice for engaging an afghan facility, from which enemy fires no longer emanate, should be cordon, call out non-combatants, or reduce the threat with small arms where necessary. This is not always possible but every time we use air-to-ground or indirect fires on an Afghan facility, we cause some erosion of our support from the Afghan people and GIROA. Withdrawing rather than endangering innocent civilians may be a viable course of action.

(c) Any pre-assault or preparatory fires will be prosecuted with precision systems or munitions. Pre-assault or preparatory fires will follow our procedures for deliberate targeting. We will not employ unobserved indirect fires except in circumstances which constitute self-defense and the target is acquired by counter-battery/counter-mortar systems. Following any unobserved indirect fire, units will make all possible attempts to gain first hand battlefield damage assessment (BDA) through ground reconnaissance or overhead observation.

(d) In any case, after we have destroyed civilian property with air-to-ground or indirect fires, or believe we may have killed or injured civilians, I require an initial report by the most practical and expeditious manner to my headquarters of the location and description of the property. A follow-up report with WHO, WHAT, WHEN, WHERE, WHY with electronic photographs where possible will be forwarded to my headquarters as soon as militarily practical (see References D and E). The report should include a description of the threat against which the force responded, and whether the response was in self-defense or under specific ROE.

(b)(3)130b, (b)(6)

From:

(b)(3)130b, (b)(6)

Sent: Wed 10/1/2008 5:53 AM

To:

Cc:

Subject: FW: Azizabad Photos [UNCLASSIFIED / ~~FOUO~~]

Attachments:

Classification: UNCLASSIFIED / FOUO

Sir,

From (b)(6), (b)(7)C

R/S,

(b)(3)130b, (b)(6)

Classification: UNCLASSIFIED / ~~FOUO~~

(b)(6), (b)(7)C

Subject: RE: Azizabad Photos

UNCLASSIFIED
NON-RECORD

(b)(6), (b)(7)C

The images and videos came in last night and both (b)(6), (b)(7)C and I reviewed them.

Based on what we observed from the images furnished the post blast debris appears sufficient in volume to be able to contain 90 bodies. On the other hand, the debris pile did not appear to be deep enough to cover that many bodies and we believe human remains would be visible throughout the area. Even though the bodies may have been recovered before the scene was documented there were no signs (fluid/blood stains) that human remains were there.

Looking at the deceased remains we noted from what we could observe that they were all intact. Normally, explosive devices that caused the damage to the structures observed in the video would cause fragmentation to the human body. The other point to be made is that there appeared to be no signs of small fragmentation pieces remaining at the scene.

If we know the size and quantity of explosives used we can give a better description of what the post blast scene should look like. A 500 pound bomb leaves a different post blast scene as compared to a mortar.

I don't think AFIP can offer much more. If it is necessary they could be more specific on the trauma to the remains.

(b)(6), (b)(7)C

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they

are addressed. If you have received this email in error please notify
the system manager.

This footnote also confirms that this email message has been swept by
MIMEsweeper for the presence of computer viruses.

(b)(6)

UNCLASSIFIED

Approved for Release

BLANK

VERBATIM INTERVIEW OF

(b)(3)130b, (b)(6)

(b)(3)130b, (b)(6)

Raise your right hand. [The witness did as directed.]

Do you swear that the evidence you'll give, will be the truth the whole truth and nothing but the truth so help you God?

WITNESS: I do.

(b)(3)130b, (b)(6)

Please take a seat. Please state for the record your full name.

WITNESS:

(b)(3)130b, (b)(6)

(b)(3)130b, (b)(6)

: And your rank?

WITNESS:

(b)(3)130b, (b)(6)

(b)(3)130b, (b)(6)

: Unit of assignment?

WITNESS: Second Marine Special Operations Battalion, MSOC-H, MSOC-3 CJSOFT A.

(b)(3)130b, (b)(6)

: Current duty?

WITNESS: Position Leader.

(b)(3)130b, (b)(6)

: Current duty location?

WITNESS: Shindand Afghanistan, Fire Base Thomas.

Q1 BRIG GEN CALLAN (INVESTIGATING OFFICER): (b)(3)130b, (b)(6) I think you know why we are here, but I'll just say it because we need to get it on the record. I'll pick up the phone and forcefully you were on the one o'clock about two weeks ago and the Chief of Staff from Central Command had advised me that I was selected to be the investigative officer to look into the Azizabad incident. Then the appointment letter was signed by the acting CENTCOM Commander. I was given two subject matter experts, (b)(3)130b, (b)(6) to your right and (b)(3)130b, (b)(6) to your left and two action officers. One of which was from CENTCOM, the other one (b)(3)130b, (b)(6) brought from USAFE. To assist us in basically looking at what the letter said which is review information that was relevant now, somewhat prevalent by the time we had directed to engage on this. Since (b)(3)130b, (b)(6) investigation completed his investigation. As you know there was large chasm between exactly what (b)(3)130b, (b)(6) determined to be casualties on the objective versus exactly what was coming out from multiple

sources and was approaching to the tune of 90 plus, and you know (b)(3)130b, (b)(6) 30 to 35 plus and we are trying to distinguish what is the truth. So with that in mind, again as the team leader, on the mission on the ME infil the objective. Can you take about five to ten minutes or as much as necessary. Gives us an overview with regards to taking us from a premission planning phase, what you knew, what you briefed, what you had planned for. Take me to through the objective to a degree, take me through the clearing and SSE and basically take me until you headed back here.

A1 (WITNESS): Yes sir, no problem. That night or that afternoon, the afternoon of the 21st we received some intelligence from TST and our ASO sources, I believe the first two people I talked to around the same time was (b)(3)130b, (b)(6). Basically told me, "Hey we have credible and actionable intelligence multiple HUMINT reporting that Mullah Sediq is going to be coming up Azizabad tonight to participate in a Taliban Shura." This looks like a real target of opportunity. This is someone they informed me they've been tracking for a while and I basically I asked like I always asked, "Okay, let me see, you know the ground" where they're talking about this meeting going. And that point because it was a THT they continued to push me info basically wanting to concur in planning. I started building the level two CONOP to get up to the MSOC Headquarters, the SOTF and the CJSOFT-A as soon as possible so that they would be able to turn on that for us. So at that point they gave me the information they had, overhead imagery, basically the target package on Mullah Sediq--and went ahead, took that information with (b)(3)130b, (b)(6) and myself started developing the level two CONOP, how we wanted to go in and conduct that mission. The same time we were getting updates from that source. My understanding was that the source had someone on the inside of that meeting as was able to positively Mullah Sediq coming to that meeting and that once they confirmed that Mullah Sediq had come and arrived at that meeting they would let us know and at that point we would be able to launch on the mission. And additionally we would have--that would be a sub source that would let us know any of the source itself would come with us on the mission to be able to positively identify Mullah Sediq or any other fighters that were in the area, he was somewhat familiar with the area. At that point we went until just really what is SOP, mission planning for us, the CONOP was developed, the CONOP was pushed up to the SOTF, simultaneously we took that CONOP, developed a mission brief. Mission brief was similar to what you also saw yesterday it has portions of the CONOP in it but then it also goes into more detail for things that the guys are going to need on the objective. At that point we briefed the guys on the mission brief, conducted that brief. Basically conducted a condition's check that we do before we execute any type of plan, these missions, basically an Intel condition's check, "Is everybody there, is everything lining up?" At that point (b)(3)130b, (b)(6) gave us our condition's check said you know, "The source is positively identified, Mullah Sediq is at the meeting place, everything is lined-up for this mission to be a go." Then at that point we staged and our departure time here was 0130 local on the 22nd of August. At that point I was in the two IOVs with my element. (b)(3)130b, (b)(6) was with the main assault force with the Commandos as in his element. At 0130 my elements were going to be launched out of here with ten minutes spacing between my element and (b)(3)130b, (b)(6) element on the objective. That was guidance specifically given to us from (b)(3)130b, (b)(6) he wanted absolutely no more than ten minutes from the time the main effort and the IOVs hit the objectives to that time that the bulk of

the combat power was there to assist us. And obviously (b)(3)130b, (b)(6) and I worked it out to ensure that the phasing of those forces was appropriate for us the selection of conducting an IOV insert was particularly relevant because we had high INW threat here indications and warnings. We received reporting that multiple sources pass information up when we leave the gate, when we come from the gate, large Commando formations, things of that nature. So we have a difficult time getting out of here undetected. And particularly when we're going to objective that's within close proximity of the fire base. So at that point we departed at 0130. For me, my trigger was--I didn't want to depart until Specter called on station, they're scheduled to call on station 0130--him on station right at 0130 and we took off of the gate, had good comms with (b)(3)130b, (b)(6) the entire time. We pulled down Route 1, pushed the objective and then we went down Route 1, we started our turn into Azizabad. And the source, we've been briefed prior, part of condition's check, part of the Intel leading up to this that the source had basically given pattern of life, enemy disposition around the objective area. One of the initial indicators was that there would be a single sentry about 200 meters out from the objective as we turned off of Route 1 going generally to the East, he told us that basically that sentry when you passed his point he's going to fire up a shot at you for a lack of better words, a warning shot that the AAF--that would be the indication for the AA--that would be the first AAF position you came to. And as you got closer to the meeting site, there would be roving patrols and in and around the meeting site. So I could talk to the rest of----

Q2 (INVESTIGATING OFFICER): At this point, if you could stand here and take us through the rest. (Standing at the GRG)

A2 (WITNESS): So, we were right about here, off the GRG but approximately about 200 meters off the objective, we received a single warning shot. At that point, you know we worked together for a while, everyone knew exactly what to do, everyone showing up to confirm to us we're going into this exact scenario these sources briefed us on the objective everything he said about roving patrols is pretty credible at this point. So, without being told the vehicle pushed to the objective, I pushed right behind him, waited about another 50-75 meters and made it, right to about here, a little bit South of that corner and around the edge and my vehicle right behind it. We walked through Azizabad yesterday -- I showed where those two vehicles stopped. At that point, there's a high volume fire, we immediately dismounted the vehicles. Again one of those things came over the radio you know, everyone dismount, dismount, sort of the standard bail out drill for us. Got out of the vehicles obviously and those vehicles if we sat until we become a very, very big target. At that point, the main assault force, (b)(3)130b, (b)(6) was the lead element for that assault force (b)(3)130b, (b)(6) pushing up the rear and myself running C2 back in the trail vehicle. They started pushing as hard as they could towards the objective House in this corridor right here, passed building 49 the mosque, trying to get up into buildings one, two, and three. Myself and our comm supervisor, (b)(3)130b, (b)(6) --we stayed back with the trail IOV, that's where our SAT comm was up to CJSOTF at that point, that was my best comms with (b)(3)130b, (b)(6) and the rest of the raiding force. Obviously something that I couldn't let go. So at this point we have the majority of the assault element pushing--trying to push towards building one, two, and three to get to the objective and myself and (b)(3)130b, (b)(6) back in the two vehicles. At that point, myself and (b)(3)130b, (b)(6) were taking small arms fire from the

same buildings, 44, 43, 42; basically to our South. (b)(3)130b, (b)(6) were taking small arms fire from buildings one, two, and three to the North. As they pushed through here, we can just tell by the volume of fire and the way the assault was pushing they were heavily focused on these buildings and myself and (b)(3)130b, (b)(6) really were the only points focused on buildings 44, 43, 42. So, at that point we got down, I started trying to pass out our SALT report as [inaudible] anytime we get into troops in contact, the first thing I'll do is I'll call you know, "Skull 73, this is Skull 26" because I was operating under Skull 26B which is (b)(3)130b, (b)(6) call sign. Call them up, troops in contacts, assault, site, activity, location, time. Passed up the assault report real quick. At that point I was running between the IOV and a better position at this wall so I ran to the IOV, made the call real quick, dropped it, got back to the wall and tried to work FM comms on my inviter as (b)(3)130b, (b)(6) and their guys were pushing through and I [inaudible] on the objective right now. At this point, simultaneously as all this happening (b)(3)130b, (b)(6) element and you know, picking this up on the inviter-- they have--basically gotten pinned down in around building 49. And then (b)(3)130b, (b)(6) (b)(3)130b, (b)(6) element has basically been broken in two, they starting pushing back around this corner, (b)(3)130b, (b)(6) basically called me at that point to let me know, "Hey, heavy fire, heavy fire coming back your way" and he let me know, "By the way, I've been shot." At that point he'd been shot through the foot. And talking to him later he told me it happened right about there as they were pushing through he was shot. So me I found it contributing concerning, we were taking heavy volume of enemy fire and additionally I thought if they were able to shot one of our guys at night, to me it shows a pretty good level of proficiency. So at that point we start consolidating behind this wall right here. I'm working the link-up with (b)(3)130b, (b)(6) guys. Simultaneously working on--just getting a good sense of where everyone is in the battle field as right now we need to assess the situation.

Q3 (b)(3)130b, (b)(6) Stop right there, from start (b)(3)130b, (b)(6) who's the point man in an earlier interview, he talked about the avenue of approach up to the target house through that alley that ran up to the North West, was blocked by a large vehicle. As they out here in the-- between building 49 and trying to get entry into building one under fire from building one and two, that compound, they haven't approached to press objective because it's blocked.

A3 (WITNESS): Correct. Right here there is a water truck parked in this, taking up the entire length of that road. We were only able to make access later into building two through a wall which had come down--the corner had come down and we were able to get through that way. But initially in the assault it was completely blocked, there was no way to get over. It would of literally involved every assaulter with all us kept climbing over the top of the water truck and over the hood and back down to get in there. At this time, I gained good situation awareness that all friendlies were no farther to the--or no closer to objective in building 49, they consolidated in there. They basically let us know, "Hey, we're pinned down in 49." At that point, (b)(3)130b, (b)(6) cleared the Spect (b)(3) 50 USC 3024(i) be engaged in targets that they were requiring [inaudible] building one, two, and three. Also clear them to engage danger close at that point. My thought process there being that the only way for these guys to out of building 49 to get back and assault with us right now is to alleviate some of the pressure that's coming on them building one, two, and three.

Q4 (INVESTIGATING OFFICER): Can you tell me what the gunship was telling you?

A4 (WITNESS): At that moment, (b)(3)130b, (b)(6) was telling me that they have just multiple individuals--roof of building one engaging us and for me the line sight and just I was hearing and seeing it was evident to me.

Q5 (INVESTIGATING OFFICER): What were you hearing? What were they engaging in at that point?

A5 (WITNESS): Small arms, AK-47s, RPK, PKM would be my best estimation----

Q6 (b)(3)130b, (b)(6) And PKM as well?

A6 (WITNESS): A sort of small arms fire. At that time it was later on we found out it was an RPK, but I can hear the staccato burst of what was a machine gun. At that point we consolidated into this wall basically on the L-shape here. Continued to be engaged sporadically from buildings 44, 43 and around 42, that started to die down a little bit. At that point as well Specter was engaging some of the fire, there were good effects initially and some of the fire started dying off from building one, two, and three. At this point, I pushed down to building 26 or one thing I forgot, when I was right here as well trying to affect a link up with (b)(3)130b, (b)(6) element, took two red-star parachutes, fired one just, "Hey, alright, Roger be advised firing two-star parachutes" because they were coming off of Route 1 at that point--just to help expedite the link up process so they're not driving around the dark trying to find us.

Q7 (b)(3)130b, (b)(6) Forward Recognition Signal Service?

A7 (WITNESS): Right, fired Forward Recognition Signal Service. Fired one red-star parachute, they got the first one as they got a little closer they asked me to fire one more and I fired one more then we could link up. I was at the corner of this wall right here, building 26, at that point that was our farthest trace element, our entire assault was down basically in an L-shape right here. And (b)(3)130b, (b)(6) element came up, basically from what I can see there are vehicles to here. I know they had a few more coming up here, a little bit to the North.

Q8 (INVESTIGATING OFFICER): Do you have numbers, how many were with your element?

A8 (WITNESS): Right now we're at approximately 16 and then with (b)(3)130b, (b)(6) I believe it was 60.

Q9 (INVESTIGATING OFFICER): And you had no commandos?

A9 (WITNESS): No commandos, no sir. And then, if I can back up on that as well. For us, when we came in, we did an IOV switch out and so my assessment situation at that point was we

already had over--over one to one ratio which is the CJSOFT policy. So going into a situation like that, we already short [inaudible] that power, my assessment to execute the mission safely. We would want all of our fully trained SAW shooters to hold the ground there.

Q10 (b)(3)130b, (b)(6): (b)(3)130b, (b)(6) what was the concept of the operation at that point? Was it just a--get in quickly, snatch them, get out quickly?

A10 (WITNESS): Ideal way for any of these operations to go down is we're able to get in there, that's why the element of surprise is so critical for us because frequently we're going in somewhere that's a hot bed of activity and we're going relatively light, would be to get in there, get him, get him alive, much more intelligence value to us alive, be able to conduct site exploitation and then get out of there. As a right, that would be an ideal mission and that's why for us the IOVs, the element of surprise is so critical. Conducted the link up at that point, at the corner of building 26 with (b)(3)130b, (b)(6) and the command that he had with him, he had approximately six commandos, six to nine commandos I'd say, like a squad minus. At that point, did a quick face to face with him, let him know what was going on and then we started moving and consolidating into building 26. At that point we talked, our initial plan was to Specter was going to continue and engaged targets as soon as they give us the green light, they finished engaging all those targets, we're going to push up, clear the objective. And the mission brief, this road that you see right here, we designated that as phase line and the main effort when we conducted the clear, would clear of this road and then the supporting effort with clear to the south of this road. Al right, at that point we moved into building 26, the commando's cleared building 26. There was I believe a woman and a child, there were no men present, that's the biggest thing I remember. I believe that there was a woman and a child, maybe two women and their children--I kind of--when I came in I just ran straight into building 26 and got right up to the roof as quickly as I could. Got up on top of the roof, myself, (b)(3)130b, (b)(6), couple commandos for security. (b)(3)130b, (b)(6) made his way up there, we rotated him because he was out security. And then at that point (b)(3)130b, (b)(6) who'd been shot he was initially going to push the assault element, I told him he was going to stick with me for the remainder of the assault that (b)(3)130b, (b)(6) would--would push through the assaulting--being a good gunny that he is, he pitched a big bitch about it but he--you know, he understood that at the end of the day. At that point, they were staged in this court yard, getting everybody organized for the coming clear. At that point, once we started to get up on the roof of 26 again, we started getting engaged more accurately the small arms at this point had never completely curtailed. In the experience I've had in fights like this, sort of like a current, it comes, couple shots and hits and flows and hits a little bit of a crescendo. You're engaged, starts to ebb and flow down again and then it comes back up. So, after the initial engagement with buildings one, two, and three as we're conducting our link up it had ebbed down, there were sporadic shots but nothing at the point where we as really--inhibiting us doing our job. As we pushed back into building 26 and tried to reorganized and I got back in the roof, then we started getting engaged again from buildings one, two, and three to the roof top with what I would say significant smalls fire to the point we were--myself, (b)(3)130b, (b)(6) we were crouched low behind the wall. At that point, (b)(3)130b, (b)(6) told me that Specter was observing individual still in buildings one, two, and three and they were going to continue to engage those

buildings. I would say they engaged those buildings for another 15 to 20 minutes or so, and then at that point they started--we started receiving reports that they were individuals coming out of building one, two, and three and started to move up to the North. At that point, Specter would watch it for us, see what was going on, we were continuing to receive small arms fire from these building, weren't exactly sure what that was. And at that point, we initially, and I say this was within a period of two to three minutes that we started to see this train coming in between these buildings, we started to see people from the vicinity of buildings four, seven, six, and up in this area. Starting to move down to what would be actually south east, towards buildings one, two, and three. And we started to see a flow in between. At that portion, at that time----

Q11 (b)(3)130b, (b)(6) Back to the sound of the guns.

A11 (WITNESS): Back to the sound of the guns, so at that time I deemed hostile intent that these were individuals moving back to was--a fighting--what is a fighting position. At this point, we were in a direct fire engagement with this position, we had individuals moving towards that position as we're being engaged. At that point, (b)(3)130b, (b)(6) reports that to me says Specter has this individuals moving I say, "Roger, you're clear to engage those individuals." Specter began to do so.

Q12 (INVESTIGATING OFFICER): And the numbers from the gunship?

A12 (WITNESS): I believe it was groups of one to two, two to three, nothing above one or two, two or three that was pushed.

Q13 (INVESTIGATING OFFICER): What were you seeing with your goggles?

A13 (WITNESS): At this point my goggles--seeing muzzle flashes in around buildings one, two, and three. No upright torsos at this point, that is not a surprise in a gun fire like this, I mean if you looked at us you wouldn't see any upright torsos. But muzzle flashes between the buildings and really the only portion of the building that I can see is building one. However, the fire that were getting was not directly under building one, two, and three. And additionally, I'd say about an hour into fight we started taking again sporadic fire this area right here (b)(3)130b, (b)(6) engaged down there with direct fire weapons. I'd say probably six to seven rounds--direct fire and like that ebb and flow the flow went down and there was no need for anything else on that direction, it was very quick.

Q14 (b)(3)130b, (b)(6) No need to engage with 50 USC 3024 those buildings?

A14 (WITNESS): No, sir.

Q15 (b)(3)130b, (b)(6) Why not?

A15 (WITNESS): After we initially engaged them with direct fire, fire diminished and that was it. So, it wasn't a continual sustained threat like we were getting from buildings one, two, and three and we were seeing up around this Northern cluster of buildings.

Q15 (b)(3)130b, (b)(6) Did you get a line-of-sight on the Northern cluster of buildings? Buildings four and five?

A15 (WITNESS): I did not. So we can actually--the only building that I had direct line of sight on from building 26 was the roof top of building one, like you saw when we were out there before. The rest of the buildings were depressed caught between this wall and all these compounds right here, these were all one-story structures and the only one of these structures that really gets up to two stories is the top of building one. At that point that takes us to about I would say H plus approximately an hour and a half, around 0330, 0345 local. As I remember it, I apologize if my approximation of time or general it's--things seemed to speed and slow down and the exact time gets a little muddled, but around an hour and a half, and hour forty-five. At that point we do start to see--and through out this we would see that ebb and flow when it would ebb down, I would stick my head over this wall in building 26 and looked down the guys and say listen, "Small arms, fire's diminished, Specter's saying that they just engaged this threat." At this time they are conducting a sensor scan of the area. And as soon as that sensor scan comes back negative, we are going to push. I'd say in about at least three separate occasions, maybe four, we had everybody ready to that, then the sensor scan would come back, hey we got some movement, they would be in watching it and small arms fire would start to pick up again. We would say, "Roger" you know "If you got it, you're clear to engage." In some instances we were able to get a bead on the individual that was shooting at us and others we were unable to positively identify the individuals that were shooting at us direct fire line-of-sight. Specter wasn't able to identify threats in the vicinity of buildings one, two, and three at that time we were engaging. So, as I said that, ebb and flow--about three separate occasions we were trying to get our plan done--the intent of which was to get to the point where we can get out of building 26, safely cross this open ground and begin our clear. And on each occasion when we went to do that, the level of fire would increase to the point where the guys coming across building 26, my estimation maybe you know, they--good chance they wouldn't of all made this run at this point, we were about 30 commandos and Americans, 30-30 plus up into this area. Especially with building one as the dominant terrain.

Q16 (INVESTIGATING OFFICER): All right so again, from your goggles you're seeing a degree of enemy [inaudible] fire return.

A16 (WITNESS): Absolutely.

Q17 (INVESTIGATING OFFICER): And you're seeing the gunship saying that from six, seven and four, working our way back towards the one, two, three area.

A17 (WITNESS): Yes.

Q18 (INVESTIGATING OFFICER): And as the gunship continues to engaged to as you describe around an hour and a half in this ebb and flow scenario, what do you attribute the contributed enemy combatants and return fire on? You got to think the guns would be touting some effect right? So what's attributing all this return fire?

A18 (WITNESS): Right, having worked with the 50 USC 3006 before, I think probably we had these individuals coming--from four six and seven into buildings one, two, and three. Potentially when they're looking at their area at that point that's the only eyes on that we have you know, potential definitely exists were you can have people as far North as building 10 and 11 coming to re-enforce. At this point obviously I'm speculating but they continued to after we would engage to say, "Hey, we still have individuals in the area" and that--and their reports that would be corroborated by the fact that we are still coming under small arms fire. Exactly where those individuals are coming from, I can't speculate. Talking from personal experience, I can say I thought, I've been in several scenarios here and in Iraq where we have expended what you would think would be significant amounts ordinance into buildings. And if they are in the right spot of a building, they've been able to survive significant damage which we saw later when we went to actually clear these buildings, (b)(3)130b, (b)(6) killed an individual at point blank range with his M-4 with an AK-47 in building one.

Q19 (INVESTIGATING OFFICER): Well, in terms of the gunship calling you--individuals I believe is the term you used, when they are making their way down from the North into the South or in the one, two, three area, the South from four, six, and seven, you're making a determination at this point that those were enemy combatants returning to a basically an enemy combatant area.

A19 (WITNESS): Correct.

Q20 (INVESTIGATING OFFICER): So the gunship per your permission has clearance to engage those individuals or are we still focused on the buildings?

A20 (WITNESS): As the individuals are moving from building four into the fighting position, they had my clearance to engage those individuals moving to reinforce that fight.

Q21 (INVESTIGATING OFFICER): The gunship has the one, two, three are, but not the four, seven area?

A21 (WITNESS): No, sir. If the individuals who are moving building four and between this whole area, they had clearance to engage. And they had clearance to engage individuals moving between the two and the building's force. They would track and individual outside that area who would move into building four from one, two, or three and back and forth. So, and they would be frequently be tracking that individual and they would let us know, "Hey, I've got one to two individuals say in building one, two, three moving out right now." On several occasions (b)(3)130b, (b)(6) told me, "Hey the way there are going to crack the nut on this is they are going

to put in some 40 MM right outside the door of the building, they are going to try to keep this people in the building.

Q22 (INVESTIGATING OFFICER): What building?

A22 (WITNESS): I can't say specifically what instances they used that tactic. (b)(3) 50 USC 3024(i)

(b)(3)130b, (b)(3) 50 USC 3024(i), (b)(6)

(b)(3)130b, (b)(6) That corroborates with (b)(3)130b, (b)(6) was saying. He saw at least a half a dozen occasions maybe more where (b)(3) 50 USC 3024(i) I've seen it used before as well as a technique. And what they are trying to do is manage the battlefield and----

Q23 (INVESTIGATING OFFICER): What we are trying to identify in this discussion is the gunship is telling you he's got combatants reinforcing an enemy position. Basically your clearance then is to if you will take them on individually and or focus on the one, two, three buildings, is that correct?

A23 (WITNESS): Correct. All the buildings were they had individuals firing on us--so if they had an individual moving on four and onto one, two, and three and we were in a direct fire engagement with one, two and three. At that point they had clearance to engage individuals moving one, two, and three, my estimation was their movement to what is a certain fire position to me demonstrates hostile intent.

Q24 (b)(3)130b, (b)(6) Did they also have permission to fire on buildings?

A24 (WITNESS): On building one, two, and three?

Q25 (b)(3)130b, (b)(6): Roger -- 105 rounds into the buildings.

A25 (WITNESS): As they have targets in the buildings. They wouldn't at no time would just fire wily-nily into the buildings one, two and three--They would let us know what was going on, continue to keep us updated and at that point you know engage as needed.

Q26 (b)(3)130b, (b)(6) Did you feel you had control over the (b)(3) 50 USC 3024(i) fires at all times?

A26 (WITNESS): Yes, sir.

Q27 (INVESTIGATING OFFICER): Was the JTAC directing what munitions would be fired from the gunship?

A27 (WITNESS): No, sir.

Q28 (INVESTIGATING OFFICER): Why not?

A28 (WITNESS): SOP when we worked with the gunships before, we feel like they had the best grasp on their ammunition. We can't see exactly what they are seeing, they have better situational awareness of the targets they are engaging that we do. So they have a better-better gage on what munition would best suit the threat that they are going to engaged in.

Q29 (INVESTIGATING OFFICER): So in my word, we really delegated munitions selection to the gunship?

A29 (WITNESS): Yes, sir.

Q30 (b)(3)130b, (b)(6) To achieve and effect you have selected?

A30 (WITNESS): To achieve an effect we have selected.

Q31 (b)(3)130b, (b)(6) At any time were you giving them permission to reduce a building?

A31 (WITNESS): I never used that terminology to reduce a building. It was always if we were under fire from a building, they were clear to engage that building, it was never--we were never firing at structures to fire at structures that in no time ever occurred.

Q32 (b)(3)130b, (b)(6) What effects were you looking for? Suppress, neutralize, destroy?

A32 (WITNESS): The effects that I was looking for was to destroy the insurgents moving in and out of the buildings here.

Q33 (INVESTIGATING OFFICER): Was the gunship telling you other than the movements that we've just discussed, moving from the North to the South, is there any other targets from the one, two, three area being described to you from personnel from the gunship going in any other direction?

A33 (WITNESS): In terms of any other direction? Not that I can recall specifically. There were none that we engaged that weren't moving in between this area.

Q34 (b)(3)130b, (b)(6) Okay (b)(3)130b, (b)(6) I want to be very precise about my language 'cause a--if you--were you communicating with JTAC and your JTAC and your JTAC was communicating with the bird.

A34 (WITNESS): The JTAC was sending my updates on what was going on with the bird to make sure I was right into the situation as it was occurring on the ground and to provide him my consent.

Q35 (b)(3)130b, (b)(6) Were you hearing his conversations with the bird?

A35 (WITNESS): No.

Q36 (b)(3)130b, (b)(6): When--could it be possible that he was talking about--because the language that used was reducing buildings, clearance of fires for your building versus people. When you communicated to him, you were talking about people?

A36 (WITNESS): When I was communicating with the JTAC I was talking about people. If he said something on the night--in the heat of the moment to that effect, I didn't hear every single transmission that he made. The way our communication works is I monitor the team freq, the JTAC, I monitor the team freq our the satellite freq. Upon the roof with me was--our basically (b)(3) 50 USC 3024(i) comms up there that I was on as well as (b)(3) 50 USC 3024(i) comms. The JTAC monitors (b)(3) 50 USC 3024(i) comms to the birds overhead and our team freq and he and I you know are always right next to each other. So as things are coming up I'm letting him know what's going on, and he is letting me know what's going on. At this point----

Q37 (b)(3)130b, (b)(6) Let's stop right there. You gave us your estimate of the situation roll in. And at this point, after you engaged buildings one, two, three you made a second abort in attempt to moving again, before you came under small arms fire again. You estimate of the situation, when you go through MET-T, what are you reading right now, what is your picture of the battle field?

A37 (WITNESS): Right now the picture of the battle field per the intelligence that was briefed by the operation, for the operation we were told that Mullah Sadiq was going to be a Shura with known AAF figures, Anti-Afghan fighting figures, Taliban, what ever you want to call them. They will be approximately 25 to 30. At this point, in my estimation, we had rolled exactly on what was briefed in the Intel, that he was there with 25 to 30 fighters in the area, understanding that we showed up at 0200 local, there probably weren't 25 to 30 fighters in building one, two, and three. We had security positions in an around here that already fired on us. We had--they could have been sleeping really anywhere, anywhere in this village at this point. So at this point I know that somewhere in this area I have 25 to 30 fighters that I'm dealing with. As we start see all the movement up in this area to the North, my initial estimations are right. The majority of these individuals are coming at us from this area, this is where the fight is right now.

Q38 (b)(3)130b, (b)(6) Anything that surprised you about the local resistance that you received or how kinetic this fight turned?

A38 (WITNESS): I didn't expected to as kinetic as it has been. This is, I'll say in the seven months that I've been here, this was the most kinetic engagement we've been in. I put it pretty high on the list of kinetic engagements that I've been involved in since I've been in the Marine Corps. I fought in Fellulla 30 days in November 2004. Didn't quite reach those levels but that was separate incident. But it was definitely a highly kinetic engagement at this point.

Q39 (b)(3)130b, (b)(6) So when you go through Draw-D of the enemy's capabilities, what do you anticipate the enemy's doing? What's his move, what's his mission, why so kinetic?

A39 (WITNESS): Based off of what we've seen in the past operating in this area, we found that--the all the times that we've decisively engaged it's been when there's been a senior Taliban figure and his fighters are specifically tasked to provided him the time and space he needs to get out of the area. You've seen it--I've seen it at Ansormidon, in Schon areas around here, in fights that we've been in. That their entire task purpose when any type of coalition rolls up is you will give senior commander the time and space he needs by engaging the coalition and allowing him to get out the back door.

Q40 (b)(3)130b, (b)(6) Rear-guard essentially?

A40 (WITNESS): Right, they'll hold -- they'll delay.

Q41 (b)(3)130b, (b)(6) Do you think that was what was occurring in this situation?

A41 (WITNESS): In my estimation I think that there's a very high likelihood and in my mind that we rolled into this and we're fighting this hard, to me that says there's somebody significant here that they want to fight. In other instance we've been in you know at this point, (b)(3)130b, (b)(6) and I had conducted approximately ten level-two capture-kill CONOPS together with the Commandos. And all of the instances--and capture some pretty significant--captured and killed some significant Taliban commanders. But in all instances we never rolled up and met this type of resistance. So to us, let me rephrase sir, alarm bells are going off in my head at this point.

Q42 (b)(3)130b, (b)(6) What type of briefing did you receive of the families, civilians, in the area accompanying this Taliban fighters or who was just living there as part of the scene?

A42 (WITNESS): Nothing per say on the families in the area, who was accompanying them--just families, I mean specific pattern of life though is--somewhat residential area at this point is hosting Taliban Shura. And that we had received information that the Shura was being held in concert with a funeral which would occur the following day.

Q43 (INVESTIGATING OFFICER): So you knew about the funeral?

A43 (WITNESS): I knew about the funeral when we got there.

Q44 (INVESTIGATING OFFICER): Who told you about the funeral?

A44 (WITNESS): I can't say specifically who that individual was, I just in the--in the briefings before hand, we were briefed that there was a funeral that would be occurring the following day and that Mullah Sediq had come up the night prior to that to conduct a meeting in this area and that he would also stay on the following day for the funeral.

Q45 (b)(3)130b, (b)(6): Is this something you and the leaders were briefed or was that something the entire platoon was briefed?

A45 (WITNESS): I believed when the DST briefed the Intel portion, the mission that was brought up to everyone. That's my recollection.

Q46 (INVESTIGATING OFFICER): And what did that funeral mean to you?

A46 (WITNESS): For us the fact that it was the following day, for us basically meant that these Taliban were coming up here and that they would use that funeral potentially to mask whatever meeting they were having. So it wouldn't be strange that they were foreigners per say coming into the area, people from different provinces.

Q47 (INVESTIGATING OFFICER): I want to go back what you just said with regards to alarm bells going off. How do you feel now about alarm bells were going off, your main contingent is in 26, you got a gunship on scene, with the whole intent per your own admittance now to do whatever the supporting elements and the Taliban or the AEF could do protect Sediq to allow him to get out. How is the battle space work? You feel pretty good about it?

A47 (WITNESS): I mean, at this point we're in a gunfight Sir so, I feel like we're you know we're engaging in this point and we're reducing their effectiveness. But at each instance when I think, all right, we've engaged the point where we're going to be able to safely clear the objective and not cause more harm than good in so doing you know, to our force and to any potential collateral damage. Once again, the fire starts picking up so, to me, I'm trying to get arms around where everyone's at, where everyone's coming from and you know basically why, as this ebb and flow goes that you know, engage them and then just as we think we're clear they come back at us.

Q48 (b)(3)130b, (b)(6) Lets worked through MET-T, you mission, task purpose, go catch Mullah Sediq in order to neutralize the Taliban efforts in Zerico Valley, that mission does not change at this point?

A48 (WITNESS): No.

Q49 (b)(3)130b, (b)(6) The enemy situation is you've got contact what we think here on three sides.

A49 (WITNESS): At this point, we've got here, we do not have line-of-sight here, but we have individuals moving to the sound of the guns from this buildings and we've had sporadic contact right here in two sides and very soon it turns into a three sided fight.

Q50 (b)(3)130b, (b)(6) In terms of your battlefield geometry, you've got a--what is a three sided fight. You still have forces that they are available to the outside of the city. And in the terrain

you've got dissected, panelized urban terrain, 8-foot high, 10-foot high walls with rather approach the main objective at this point still blocked and enemy fire. So we got through damage approach, we take a look at troops and fire support available, walk me through that, what's available, what can you bring to bear on this fight?

A50 (WITNESS): When I look at troops and fire support available, noting the canalized terrain, noting additionally that we need to leave forces back on our gun trucks and at this point our gun trucks with their 50 caliber machine guns and Mark 47s, 40 millimeter grenade launchers are very ill suited to this fight, due to the fact of the massive amount of collateral damage that those weapon systems be engaged from the ground would ensue. We also have----

Q51 (b)(3)130b, (b)(6) Did those trucks have line-on-sight on any of the buildings that you received fire from?

A51 (WITNESS): No. The only way that they would potentially have line-of-sight would have been to move into this open area right here and they would have been extremely vulnerable.

Q52 (b)(3)130b, (b)(6) And if you tried to engage with them, what would you have had to do?

A52 (WITNESS): If I wanted to engage with any of the of the gun trucks at this point, the only action would be to move them into this area here and at that point the only thing that they would have had a line-of-sight on potentially would have been that one small on building one----

Q53 (b)(3)130b, (b)(6) Block House.

A53 (WITNESS): Block house and any rounds had then directly impact the Block House would have gone sailing passed that. And additionally, if they'd tried to depress their rounds they would high likely had a high amount of collateral damage in the building, 48, 48A, 49A, 50, 51, 49, you name it. Those weapons systems when you get into canalized terrain, fired from leveled ground are not going to have good effects on targets especially with regards to collateral damage. And to this we're focusing on using the 50 USC 302 gunship because at this point it's minimizing our collateral damage and that platform it's specifically selected due to the fact that it provides precision fires.

Q55 (b)(3)130b, (b)(6) What indirect fire assets did you have available?

A55 (WITNESS): 60 millimeter mortar available.

Q56 (b)(3)130b, (b)(6) What mortar?

A56 (WITNESS): Hand held mortar?

Q57 (b)(3)130b, (b)(6) And how accurate is that?

A57 (WITNESS): Extremely accurate, I would say you can get it to within (b)(3) 50 USC 3024 give or take. And I'll be honest with you, sir, just not--not even in my thought to bring that thing out.

Q58 (b)(3)130b, (b)(6) Do you have any machine guns [inaudible] weapons that you can mount on top of 26 and fire into the--

A58 (WITNESS): Again from 26, we were able to with direct fire to manage the fight and we only had direct fire on the block house and the top of the roof right there. So with our M-4s and M203s, we were able to get a pretty good sustained rate of fire to the point we didn't feel it was necessary to bring up a ground mounted 240b to take one off the truck and bring it up. Additionally we have SAWs with us that were engaging as well.

Q59 (b)(3)130b, (b)(6) Okay that's it.

A59 (WITNESS): It's a light machine gun.

(b)(3)130b, (b)(6) It's a light machine gun .556 belt fed

Q60 (b)(3)130b, (b)(6) I guess you're talking about the fact that the walls were blocking the line-of-sight on them, what is it 36 through seven, what ever was happening 51-50 block as well. I guess you also said you neutralized 44 and 43 at this point?

A60 (WITNESS): By neutralize meaning that we've engaged in small arms and the threat had been diminished through us----

Q61 (b)(3)130b, (b)(6): You weren't encountering any return fire.

A61 (WITNESS): Correct sir, correct sir.

Q62 (b)(3)130b, (b)(6) So it's basically your primary concern is the 51, 50 area and what ever is coming up for the building four?

A62 (WITNESS): Right and not really 51, 50 or 53, we had no specific movement of that that had us continuing engage in 51, 50 and 53, it was mainly buildings one, two, and three.

Q63 (b)(3)130b, (b)(6) So I guess, I understand what you're saying with regard to you feel that the 105s--the gunship is going to be able to deliver accurate fire on whatever's moving or presenting a threat to you. What was their criteria for engaging, were you setting that up for them or was that something you're leaving for them?

A63 (WITNESS): Engaging--for engaging targets they would tell the JTAC what they were looking at. You know, for example they will tell the JTAC, "I have individuals moving between compounds two and one you know, I have individuals on the roof of building one, engaging you with direct fire weapons. " You know, they tell the JTAC, JTAC goes, "Hey I got the guys in

building one, direct fire weapons, they're engaging with 40 MM." Or you know, they're engaging if they if they didn't give me their specific round. And he would keep me updated and at that point I will be updated and it will be on me to say, "No, don't have him do that, or don't have him do this," And there were instances--they had a lot of movement in 67, 60, this whole areas which was reported to us. We had them watch it. At that point they report it you know, individuals moving sporadically between these building and at that point, we were very sensitive, we've been engaged from 44, 43, you know are we going to have individuals start to push into 44 and 43 to come out us this way. After watching for probably for two to three minutes, you know, made that estimation you know, he's giving me updates right, they're moving around sporadically yadi yadi yada, you know, in and out of these buildings, "Okay, roger, have them keep looking at it." They either still stay within that compound, "Okay, roger, no hostile intent. Push--tell them to push their sensors to one two and three."

Q64 (b)(3)130b, (b)(6) And that's because you didn't receive any further fire from there?

A64 (WITNESS): Didn't receive any fire from there and then also watching the individuals in that compound, I didn't deem any type of hostile intent towards their movements. Their movements were erratic which I attribute to the fact that there's a gunfight happening in close proximity but they--it wasn't as though they were moving "he's at 58 right now, they moving at into 46 and you know simultaneously we were taking fire from here. And right now they're held in 45--okay they are pushing into building 44 where I'm taking fire from. To me just in that scenario if they were moving from building 45 running into building 44 which is the building right now, I'm receiving fire from. To me they are reinforcing a fighting position at which I deem as hostile intent to my force and I can't allow them to mass against me.

Q65 (b)(3)130b, (b)(6) Based on some of the testimony, let me just give you what we--the impression that we have and maybe you can say that's that accurate, you can tell me it's off base. As soon as they started hitting one, two, and three, it seemed that you had a lot of squinters coming out of these buildings and they moved into other buildings and then evidently fire was cleared on those buildings because these guys had come from those buildings. Was it clear to you at that point that those people who basically supporting from that building were still threats when they moved into those other buildings?

A65 (WITNESS): The individuals who moved out of these building and up into building, any of these buildings up here--as they moved in those buildings and around those buildings or actions at those buildings because they were starting to move back into this area--go to access weapons caches as we seen as a known tactic from them. They won't keep their weapons in their buildings were they are sleeping, they'll leave the weapons, they will leave the building they're sleeping, they'll grab their weapons from a safe place and come back to those buildings.

Q66 (b)(3)130b, (b)(6) Why do they do that?

A66 (WITNESS): They do that so if you come in and you conduct--a search conducted of their home or their building you won't find anything. You'll find a cache out in an empty house and

empty shed that's not attributable to anyone that doesn't allow us to gather that type of evidence we need to hold these individuals for a long periods of time. We've seen that on multiple raids. We did a raid in late July where the TS (inaudible), we're getting after the fact was there was a helo raid, was that, "Well we would of fired on the Americans but the helo's came in so fast we didn't have time to get to our weapons", things to that effect. So we've seen that TTP used on numerous occasions. So at this point, I just spoke about, we've been engaging in the threat here, again, all the fire, at this point we're trying to get the assault force ready to clear to the North and we start receiving enemy fire vicinity buildings 32, 33, 32 this open court yard in the road we start receiving small arms under our position if you look at this road, you can see by chugging our here you can engage building 26 in and out of that alley moving between the two. Specter at that point reports that they had two individuals moving in and out of this alley way. We're receiving small fire, they at that point continued to track their movements. Additionally at that point, (b)(3)130b, (b)(6) past to me that Specter was getting to the point where they were starting to get into the lower zones for their ammunition. My immediate concern was as we went through the clearing portion here and the experiences I've had with that clearing portion, if we at any point were to lock horns, with these individuals which I saw a very good--probably that we would, at that point if I had no Spec--no 40 millimeter ammunition with to engage with 105s, I would say, "Hey, you're really close" I would be without fire support in that fight. So, wanted to make sure that the gunship was still available for the clear to come. At that point we saw in building 35 Staff (b)(3)130b, (b)(6) was able to talk on the (b)(3) 50 USC 3024(i) He had you know, he had the target, good line-of-sight, (b)(3)130b, (b)(6) let me know, "I was like, are we going to be good, in terms of danger close, how close are we?" They said, "Hey, tell all the guys to get inside, everyone should get behind something, but we're fine." They got a good track on the target, collateral damage should be minimal. If any at all and at that point I cleared to engage with the (b)(3) 50 USC 3024(i) due to those considerations.

Q67 (INVESTIGATING OFFICER): What locations?

A67 (WITNESS): Building 35, sir.

Q68 (INVESTIGATING OFFICER): What was in 35?

A68 (WITNESS): The two individuals that Specter had been tracking, were shooting at us had moved into building 35. They had tracked and directly from outside into 35 and see no room for them in or out of 35.

Q69 (b)(3)130b, (b)(6) Building 35, when I walked on it, what was left of the foundation is the walls--was probably through about that support beam [inaudible]. And then the building on the other side of it [inaudible].

A69 (WITNESS): I know--I know you inspected--I had (b)(3)130b, (b)(6) personally cleared that and found [inaudible] families in the vicinity of 36, 37 they were fine and unharmed. And additionally, I mean one thing to notice as well--I believe it was sometime after this engagement and I think that the Fox News Crew picked it up, but we had a couple of

individuals coming out of building 25 to surrender the commandos and our advisers were you know, trying to keep them safe because we were still receiving fire at this point. But at the same time you know, just making sure they were staying inside their homes. So we were getting a good feel on you know were these things [inaudible]. At that point I engaged with building 35, the small arms fire dissipated. Specter conducted a sensor scan of the area. The area was deemed--I made the--throughout this--and I haven't hit on the discussion between me and (b)(3)130b, (b)(6) was to the effect that in all these walls he initial point--he had come in here and he and I had talked and he said basically said, "All right (b)(3)130b, (b)(6) here's the plan, we're going to a--you know, we're--I'm going to--like we briefed, I'll clear North of here with my guys, once we reduce the threat to the point that we are not taking direct fire anymore. Your dismantled element from the ODA will push up to the South" and the--he would also maintain the outer coordinate because that's basically his C2, is in his truck with him (b)(3) 50 USC 3024(i) and everything of that nature. So, through out this portion, I'm on the roof, I'm telling him what I'm seeing, I'm telling him and I'm giving him recommendations. For instance, as I'd say about H plus one, we talked about, let's try to get, let's see when we can get the trucks to fan out up here to the North a ways to--and--just in the event we had someone coming out this way. Although we deemed it unlikely but they would also position the trucks well for how we wanted them once the clear started going. Talked to him at that point, we talked to the pilots. Specter crew let us know if you start moving vehicles up here to the North, you could potentially cut off our fires same with the (b)(3) 50 USC 3024(i). At that point receiving that information I made my--my strong recommendation to (b)(3)130b, (b)(6) I don't think the benefit of moving vehicles up here to the North is worth the cost of cutting off our close air support. I think that that causes more problems. I think right now, we need to reduce the threat and then begin to maneuver." We both agreed and continued on with the fight. So between us there was a back channel as well as he was telling you know just--you know, what's going on with these other things that he had called up.

Q70 (b)(3)130b, (b)(6) At this stage you're doing all the reporting to--

A70 (WITNESS): To CJSOFT. As soon as (b)(3)130b, (b)(6) showed up on scene I stopped all of my reporting to the SOFT which is our direct--that's the direct chain we report out on missions, which is like our battalion headquarters. So at this point, we make that determination and the commandos lead by (b)(3)130b, (b)(6) moved from building 26 and started clearing up to the North. (b)(3)130b, (b)(6) starts clearing this portion of the objective. Myself, (b)(3)130b, (b)(6) and two commandos I believe held in building 26, planned that we had within our assault element I was going to hold 26 to run command control within if they were to lock horns as we talked about, I'll be then be able to continue to manage fires to continue to manage the (b)(3) 50 USC 3024(i) for their portion of the objective. And once they arrive at building one, two, and three, they were going to call me, I was going to pick up my own [inaudible] basically bound to them and I was going to hold all the command and control in buildings one, two, and three. So that point, they cleared up to from building 26 up to the North without incident. I only found out about incident with (b)(3)130b, (b)(6) [inaudible] in buildings one, two, and three after the fact. [Inaudible] sound like it was a really quick engagement, I wasn't there. And the at that point we moved up to buildings one, two, and three. Commenced SSE time at this point was approximately 0500 to 0530 in the

morning. And I was also cognizant of the fact that (b)(3) 50 USC 3024 stayed on station way passed when they typically do, which we were appreciate of.

Q71 (INVESTIGATIVE OFFICER): (b)(3) 130b, (b)(6) can you talk about that engagement again? You just found about it.

A71 (WITNESS): I just didn't find out, it was after the fact when we were talking (b)(3) 130b, (b)(6) had said in his sworn statements sir. He was the lead advisor with second company (b)(3) 130b, (b)(6) he's one of my element leaders, I have two elements in the team, so my direct interface with the assaulters was through (b)(3) 130b, (b)(6) because when (b)(3) 130b, (b)(6) isn't around (b)(3) 130b, (b)(6) fills in as a platoon sergeant. Apparently (b)(3) 130b, (b)(6) had been shot at this point, (b)(3) 130b, (b)(6) was filling in as platoon sergeant. But (b)(3) 130b, (b)(6) was the leading the front portion of the commando element. I wasn't there for that engagement; it's in his sworn statement. However, after the fact when we were debriefing, as a made entry into building one, you know Insurgent with an AK moved you know, moved out to engage me, I engaged him and killed him. And I have the details of that I believe (b)(3) 130b, (b)(6) has in his sworn statement. At this point, I've arrived in buildings one, two, and three, as I came in and this was at this point I knew about the you know, the truck here you really can see for the first time that was blocked, I climbed over the rubble into building two here. As I came in here, I saw one of the Marines, as I came in here one of the Marines was saying that there was a little girl that they've found right here. That he was recovering at this point, I pushed up into building one. Saw four dead fighters in building one and moved up on the roof. Began setting up C2 I'd say about 10 to 15 minutes later, (b)(3) 130b, (b)(6) came through and then he heard something and then he heard something, from basically kind of underneath some of the rubble. At this point too it's really started to get light out. We heard something, couple of the commandos, couple of our guys went down looked around with him and saw that there was a women and a child. I didn't actually see them but underneath some rubble they started making noise that they wanted medical attention. At that point we--with the commandos undug them. Had one of our 18 Deltas give them medical attention as well as the commando medics gave them medical attention as well. And at this point, I took charge of running SSE on this portion of the objective, our site exploitation from building one.

Q72 (b)(3) 130b, (b)(6): Did you see any cooking pots and just north of 50?

A72 (WITNESS): No, sir.

Q73 (b)(3) 130b, (b)(6): No bricks?

A73 (WITNESS): Nothing.

Q74 (b)(3) 130b, (b)(6) No food laid out in that compound?

A74 (WITNESS): No, sir.

Q75 (INVESTIGATIVE OFFICER): (b)(3)130b, (b)(6) your chronology, after the 500 pounder came off the 50 USC 3024(i) and you started to move kind of North from the 26, any enemy return fire from anywhere?

A75 (WITNESS): Once we were on the move, no.

Q76 (INVESTIGATIVE OFFICER): The activity you're on 43, 44, 42 ceased? Never came back?

A76 (WITNESS): Never came back.

Q77 (INVESTIGATIVE OFFICER): Then probably been off for a while, correct?

A77 (WITNESS): Yes, sir.

Q78 (INVESTIGATIVE OFFICER): And then the 32, 33, 34, 35, you're not sure but again as two combatants came out from the alley on all 32 and back to 35 once we put that out, nothing from that direction?

A78 (WITNESS): Not that I can recall, sir.

Q79 (INVESTIGATIVE OFFICER): What is the gunship saying on four, six, seven?

A79 (WITNESS): At this point, as I'm moving across sir, I'm getting very little activity on and that--you know that was contingent on us, as moving I felt comfortable that no one was trying to move to a position or tactical advantage on us at this point and we were good to conduct the clear in a way that it would be safe us and safe for anybody who was in the village.

Q80 (INVESTIGATIVE OFFICER): So at this point, per your own admission, you're working at an hour forty-five, two hours. Fundamentally you directing the fight, the gunship basically doing everything and the element, the ground element is more less pinned down on 26?

A80 (WITNESS): We're trying to fire, I wouldn't say we were completely pinned down, but the--for us at this point, we didn't have a line-of-sight to engage with really good effects a lot of the targets that we needed to engage up the center of the buildings one, two, and three and up to these areas as well. And to do it with level of precision that we would need to do it.

Q81 (INVESTIGATIVE OFFICER): But the only return fire that the ground force is making is towards the 42, 43, 44 area, that's it?

A81 (WITNESS): --towards the--Negative sir.

Q82 (INVESTIGATIVE OFFICER): So where else was the ground element shooting at?

A82 (WITNESS): We already had engaged, we continued to engaged targets sporadically from one, two, and three as individuals for where we were able to positively ID targets in that area and additionally with these individuals we're moving to the East in this alley way. We engaged in with direct fire weapons as well as well as (b)(3) 50 USC 3024(i)

Q83 ((b)(3)130b, (b)(6)): What criteria did you have for canceling or turning off the mission?

A83 (WITNESS): For us, a no-go criteria on the infil. If we kind of get the assault force there. For instance, on infil like we discussed before when the one IOV went down, if that IOV had completely gone down, we hadn't been able to conduct any type of replacement on it. That would have been a no-go criteria for us. An IED strike on infield would have been no-go criteria for us. Basically any type of significant loss of the force prior to us being committed is a no-go criteria for us. Meaning an IED strike, lose and GMV, we're taking wounded. Anything that doesn't allow us to get to the fight with the amount of combat power that we've allocated to be able to successfully complete the mission. And then upon being you know, does that answer your question sir?

Q84 ((b)(3)130b, (b)(6)): So far, yes. Do you have any criteria that involved the number civilian casualties you might inflict to achieve what you've thought was you mission at that point?

A84 (WITNESS): At no point would we knowingly inflict any civilian casualties to accomplish our mission.

Q85 ((b)(3)130b, (b)(6)): That's not what I mean, I mean collateral damage - when running into urban environment, collateral damage is going to be a possibility. What criteria do you say, "Okay, there's too much risk or collateral damage here, we're not going to continue on the mission, we're going to back up." Is that a criteria?

A85 (WITNESS): That would be a criteria, I'm just having a hard time finding a quantifiable answer to that.

Q86 ((b)(3)130b, (b)(6)): There might not be one?

A86 (WITNESS): Right, I mean, I would tell you my judgment as a commander, having the experience of specifically engaging with any C130 and having work with (b)(3) 50 USC 3024(i) gunships on I'd say over 30 separate occasions since I've been in the Marine Corps. I felt very comfortable with the level of precision that the gunship could engage in these targets. The level of precision and detail that they were giving me on what they were observing and what they were engaging.

Q87 ((b)(3)130b, (b)(6)): But with regard, I think it's either somewhere between eight and eleven, depending on who you listen to of houses engaged. You didn't really know what was in those houses, right? Other than potentially enemy who were infilling and exfilling out of them.

What were you thinking about with regards to the civilians that maybe in those houses. How are you doing your proportionality or your discrimination of houses?

A87 (WITNESS): At that point if there's an individual engaging us, from a house or from--at that point causing threat to the force to my Marines and the commandos which they were, at that point for the ROE, I look at it as an issue of self defense. And to not engage in those houses, I've been--not to not engage those targets, I'm then putting the force at risk, unnecessary risk of the commander.

Q88 (b)(3)130b, (b)(6) Okay, so for the houses you engage, you get permission to engage. It's your understanding that you only engage houses were they were firing on you?

A88 (WITNESS): I only engage houses where there was hostile intent coming from.

Q89 (b)(3)130b, (b)(6) Okay, with two guys ran into a house, but hadn't engaged, would you still give them permission to engage the house?

A89 (WITNESS): If--for instance in the case of building number 35, we had two individuals who had been shooting at us, run into building 35 and the only opportunity I had to destroy the individuals who had been attempting to kill us, was in building 35 at that point, per the ROE, I view as self defense to myself and my Marines to engage that force.

Q90 (INVESTIGATING OFFICER): But you acknowledge that through no or very little (b)(1)1.4c, (b)(3) 50 USC 3601 some degree of cultural awareness, but nothing obviously in our technology or other wise to be able to penetrate through the roof at 35, they could be civilians in that in addition the other six or seven targets.

A90 (WITNESS): The potential could exist. We have seen nothing of that effect and they had building 35 prior to that.

Q91 (INVESTIGATING OFFICER): Well again, I'm making this up, given the--well I'm not making all of that, in the Afghan culture, even though they stay up late, you at now at 2:00-3:00-4:00 in the morning. You don't know what's in those buildings, right? All you enemy combatants who in this case had fired upon you using your 35 example, have returned back to that, so you consider that a hostile threat and you need to neutralize or eliminate those two threats. In order to do so, you're putting an unknown occupancy in the building into your mind with regards to proportionality. What we're trying to ascertain is, is the benefit worth what ultimately could have been a--an improperly is to be quite candid, a civilian loss?

A91 (WITNESS): In my estimation sir, at that point and not as I said prior, there were engaging from building--they've engaged us, they're moving to building 35, they are putting my force at risk. For the ROE, we throw into self-defense. I view that as a right to self-defense.

Q92 (INVESTIGATING OFFICER): So, in this case using 35 is the example for the two that shot in the alley, went into 35. You consider that a legitimate target regardless of the casualties or potential cost.

A91 (WITNESS): I consider it a legitimate target based on the information that I had at the time.

Q92 (b)(3)130b, (b)(6): With regards to the squirters that were coming out of one, two, three and some of the other buildings. Was there a time when the pilots could identify to you civilians, non-combatants?

A92 (WITNESS): There was no point were they specifically said to us we have a civilian moving out or what they would say would be a child, which I worked with Specter before and I said, "Hey, this appears to be a child." At no point did they ever say to anyone they were viewing area was a child.

Q93 (b)(3)130b, (b)(6): So you heard no reports of children of women or anything of that nature?

A93 (WITNESS): Not from Specter.

Q94 (b)(3)130b, (b)(6) Everything seemed to be a combatant?

A94 (WITNESS): Yes.

Q95 (INVESTIGATING OFFICER) (b)(3)130b, (b)(6) When you decided to press from 26 after 35 has been eliminated and they kind of worked your way up towards one, two, three, are you expecting Sediq? Where's Sediq at, what do you think?

A95 (WITNESS): At this point, I think there's a high likelihood they think that he's dead. And conducting SSEs for us is very important to confirm, to be able to confirm the fact that he's in fact dead and there's--in additionally if he is dead on the objective we've got to get the source who's specifically there to be able to positively identify him. In the case we were able to capture or kill him. You know, obviously there a lot of exploitation we can do, we can get cell phones documents, things of that nature to--to pick some more information on his network. At this point we're conducting site exploitation on buildings one, two, and three. From building one, somewhat difficult time getting real line-of-sight into these compounds. At this point (b)(3)130b, (b)(6) (b)(3)130b, (b)(6) reported that he had two individuals who had been killed with AK-47s, vicinity of building four. Also that he had found a woman and child who had been killed up there. Additionally on the roof up here in conducting SSE, we found a--there's an AMP truck as well as a couple of civilian vehicles, and the compound in 53. The keys to those vehicles were in the pockets of the AMP truck in particular when the individuals who had been killed on the roof with weapon and chest rig on, and keys for the AMP vehicles specifically. Which in my experience here is not necessarily surprising. We've seen a lot of very deep, deep rooted

corruption than the AMP. And to backtrack part of that, the intelligence that we've been given to this is that the topic of discussion at the Shura was going to be ways that Mullah Sediq could find to infiltrate elements of his organization into legitimate Afghan government functions to leverage influence. So the fact that there was some layer of AMP involvement seemed to also make that connection sound for us. And then really at this point I'm on building one checking up with the guys and the SSE team just progress, my thought process is more you know, "Let's do a real SSE here", we are already on our SOP for actions on the objection usually the duration we find we liked to stay for three hours. We're already way exceeding this. Our feelings being based on the significance of the engagement we need to conduct a very, very thorough SSE, take pictures of you know, most everything that we can as the SSE teams and also it was pretty extensive fight throughout a larger area than just the objective area. So we needed to conduct SSE across those areas.

Q96 (b)(3)130b, (b)(6) Now, your plan all along was to clear, not just buildings one, two, three, but to clear the buildings in the 35 range and the four, five and six. Was that all part of the SSE plan?

A96 (WITNESS): That was a be prepared to. Having conducted a series of these mission, we've known that we would usually go in to what we call the "X" (b)(1)1.4c, (b)(3) 50 USC 3024 which is this specific target building and then it's very rare that we actually find the individual on the "X" we go in there first and then based off of if we're not under fire tactical questioning you know, we'll search a larger area. For instance we were on a mission early in July when where we went to the "X" identify the guy, wind up searching a village was probably larger than this and actually found the HVI we were looking for an Iranian Quds force arms facilitator dressed up like woman. We were able to get to him based off of the expert tactical questions by a couple of marines in the team. We were able to narrow it down and use some of the locals to pin point where this individual was at. So we're always prepared to do that as we come in. Then I--no sir, knowing that we always have a contingency plan for, "Hey, if we go in there this is who is going to clear what and when (b)(3)130b, (b)(6) come in here, the contingency we talked about prior was if we wind up clearing the entire objective that his portion would have--basically have to the South and ours to the North right there.

Q97 (INVESTIGATING OFFICER): So, I'm clear on the C2, are you getting post clearing reports?

A97 (WITNESS): From the individuals and the sectors that I was clearing. We're just back talking you know, (b)(3)130b, (b)(6) you know, where are you? "Hey I'm moving through four, hey, I got an AK-47 over here" and they are documenting everything. "Okay, I'm moving through." You know, and a lot of it you know especially into 51-50, I'm looking right down at them as they going through their SSE. So that SSE process obviously pretty significant takes us around 0800, 0815.

Q98 (INVESTIGATING OFFICER): And (b)(3)130b, (b)(6) again in those posts clearing actions and reports, you're getting any inputs on casualties?

A98 (WITNESS): What I've mentioned sir the--on my side of the objective----

Q99 (INVESTIGATING OFFICER): Yes, that's all.

A99 (WITNESS): Prior? That's all. The ones that I've previously mentioned.

Q100 (INVESTIGATING OFFICER): Okay, and nothing on (b)(3)130b, (b)(6) side?

A100 (WITNESS): Nothing on (b)(3)130b, (b)(6) side. At the same time I'm not tracking his SSE with you know, I'm more focus on my guys so that--you know sometimes it just kind of someone calling his call sign, I won't pay as close attention. I'll what ever I'm doing.

Q101 (INVESTIGATING OFFICER): So that split C2 arraignment, in terms of the clearing close reports are coming, you're responsible for yours and he's got his?

A101 (WITNESS): He's got his and then I'm pushing him things that are significant that I think he might want push up through the SOFT through [inaudible].

[The interview recessed for 5 minutes.]

[The recording was initiated after the interview was already in progress.]

Q102 ((b)(3)130b, (b)(6)) --we were discussing building 35 and the thought process [inaudible] answer to your question sir.

A102 (WITNESS): With regards to potential collateral damage in my mind and in frequently decisions, there being obviously very quick, based off experiences and your feel about how the battle is going. As the commander on ground, I'm always weighing a lot of things that also being one of them. That one frequently decisions are made so fast in your mind you reach those conclusions you don't even realize you're going through the thought process that your are going through. For instance in building 35, we had two individuals going into 35. My decision to engage that building was based off planning out the other forces of actions that were available to me in my head. I mean that happened very, very quickly. To me the other course of action at that point would be to continue to keep building 35 under observation and at that point if those individuals that had run out of building 35 and I'll be able to engage in again which I found to be somewhat unlikely if they ran to 35 and stopped being on fire. And I only use this as an example for you all to better to understand my thought process. I'll be force to send a clearing team into building 35. Building that I knew two gun men where in waiting for us. And I had some experience doing that in the past and seeing how that's gone. I could say with very high degree of certainty that at least one of the individuals from the clearing team would probably be shot or killed, especially the initial man making entry. Additionally, any potential civilians that were, if there were civilians in that building in the ensuing fight that would come about. No doubt that those individuals in that building, very high, you know a high risk that they would all be killed as

well. So, you know, frequently as the ground commander and the experience that I've had up to this point, I found--usually I get the "big bucks" for a lack of a better terms sir, because I get paid to make the decisions and any way you look at that are bad, every decision we're closed with is bad and that's what the enemy always tries to do, is put you in a scenario where you gotta choose the best of several work--bad decision that are placed in front of you. So, the scenario like that I weigh all the costs and benefits. See the courses of actions available to me and make the best decision I can with the information that I have.

Q102 (INVESTIGATING OFFICER): Then (b)(3)130b, (b)(6) want to take you back again just prior to the break where we talked about, you acknowledged that as combatants are coming from the objective or in this case your two squitters on the edge of 32 and then again find themselves back for the gunship at 35. You acknowledged that you're going into once again into a building were you don't the contents of, correct?

A102 (WITNESS): Yes, sir.

Q103 (INVESTIGATING OFFICER): Okay and so, per the ROE, you determine that to be hot--they already demonstrated hostile intent, basically in this case to tell the gunship to take it out or in this case because the weapons, the munitions management, now the (b)(1)1.4a is going to be employed, you talked to (b)(1)1.4a to make that happen and his does.

A103 (WITNESS): Correct sir.

Q104 (INVESTIGATING OFFICER): Just for clarity, does the--is the MARSOC force or SF bring any non lethal weapons with them?

A104 (WITNESS): We do not sir.

Q105 (INVESTIGATING OFFICER): You do not.

A105 (WITNESS): Not that can be used in a scenario like this to clear a building with gunmen. Nothing like CS guys or anything like that.

Q106 (INVESTIGATING OFFICER): I'm wondering why?

A106 (WITNESS): Right now with CS guys, I mean sir you can----

(b)(3)130b, (b)(6) [Inaudible]. You gotta get permission, you don't use gas in combat zone, sir. You can it as a riot control agent when we're dealing with a large group of civilians. But we don't want them to use gas, so we don't use gas sir.

Q107 (INVESTIGATING OFFICER): Okay, we don't have it, so it's not an option, thanks. But, where we're at here is that he's got two enemy combatants into a building where he doesn't know the contents of. So he's left with what I would call "lethal actions" So at the risk where

we're going to talk about from a policy decision, questions about civilians casualties, my equivalent is, and home town for you is?

A107 (WITNESS): (b)(6) sir.

Q108 (INVESTIGATING OFFICER): Bad example because that's a war zone itself. But if in fact (b)(3)130b, (b)(6) and his wife were in the second floor of their new, I'm sure plush 4,000 square feet, six bedroom house. And a bad guy in (b)(6) walks in, he doesn't expect a 105 round to come through his ceiling next.

A108 (WITNESS): Well not in (b)(6), no sir.

INVESTIGATING OFFICER: Well in (b)(6) you might, but normally no in America. This is in some cases one's real combat--you were--this is what you do and in (b)(6) is close to in some precarious but not quite. This we all know would be handled in a much different fashion back home than it does in a combat zone. So I pose just for thought, you can do non lethal things to building 35 well short of Kinetic and achieve your objective. And I might even say to the tune of one, two, and three once the gunship is suppressed fire, you could even maybe think about doing those to those areas you have direct contact and some other I'm sure ground scheme maneuver, things that you have to think about. So the policy decision is just that we don't give them non lethal options.

(b)(3)130b, (b)(6): Call-out is probably the only one I think of.

WITNESS: Correct sir.

Q109 (INVESTIGATING OFFICER): You know, where we're going in the future is basically non lethal weapons. Gunship you're talking--I know the Army has--is perfecting this somewhat distant kind of (b)(1)1.4a

A109 (WITNESS): (b)(1)1.4a

The gunship is working on a non lethal technologies with regard to being available to ground force commanders. All of these non lethal options at some point give the ground and in (b)(3)130b, (b)(6) case the on scene commander more options to be able to deal with that well shot of taking out the target.

Q110 (b)(3)130b, (b)(6) What did you--looking at 35 as an example, what were your options for 35?

A110 (WITNESS): As a previously [inaudible] sir, those were the options.

Q111 (b)(3)130b, (b)(6): Cleared it by direct action or--

A111 (WITNESS): Cleared by direct action to engage with the (b)(1)1.4a --or I'm sorry, with the (b)(1)1.4a

Q112 (b)(3)130b, (b)(6) What about just letting it go?

A112 (WITNESS): To let it go at that point if we started--if we started clearing I mean that's a huge, huge risk. Two individuals with AK's could do a surprisingly amount of damage if they are in a good position.

Q113 (INVESTIGATING OFFICER): But you still had the gunship?

A113 (WITNESS): We saw the gunship but at that point I--once we start clearing we're committed and I would be into a scenario, put into a situation very easily where we could be clearing up through 32, 33, 37 and we're unable to employ those fires. And then I'm employed into the position where now I have to clear because of the disposition of friendly forces on the battle field which puts me in the worse of those two courses of actions.

Q114 (b)(3)130b, (b)(6) I'm going to ask you potentially a silly question, but I've got to ask it anyway. Is your SIOP team with you, do you have the speakers?

A114 (WITNESS): They were not on this mission with us dismounted.

Q115 (b)(3)130b, (b)(6) Supposing that they were, could you have done a call out for the village asking or basically--are you basically telling everybody to skedaddle up North by doing that?

A115 (WITNESS): I think by--it would of open up that opportunity and additionally at that point in the battle we didn't have a wall where we had--would have been afforded the opportunity to stop everything and engage with SIOP. And it was just a matter of we were--things were happening very, very quickly.

Q116 (b)(3)130b, (b)(6) So essentially your options at this point, once you got to 26 and you started thinking about the fact--basically dropped some ordinance on one, two, and three, at that point, correct me if I'm wrong, but there are other options. You can do clearing by direct action, you can withdraw or you can stop--dropping ordinance. Those are your three options. What you have in your force.

A116 (WITNESS): Yes, sir. Those are the tree options.

Q117 (b)(3)130b, (b)(6) Do you feel that you can continue--complete your mission even without Mullah Sediq's PID?

A117 (WITNESS): I do. I feel that we went in--first off I feel like the SSE, what we pulled out of there it was extremely significant. I know you are all been privy to those products with--we

recorded anti tank mines, some of the IUDs we find around here. Numerous small arms, RPKs, significant quantities of RPK ammo, numerous documents, large sums of currency, so for us, we always like to have [inaudible] capture the HVI and hand him over to the BTIF, you know that's our real spike in the end zone or have him where you took him off the grid and killed. More often than not you're, you know, you may--you miss him, it's very difficult to get these guys, they are not stupid. But if you're able to significantly the network, that kind of positive effects through out the area that they are operating in.

Q118 (b)(3)130b, (b)(6) I'm as kinetic as the next guy. But I have to admit that 82 105 rounds in a built up area and 242, 40 millimeter in a built up area, in this kind of fight, is enough to make me blush. At the--immediately what comes to call is necessity and proportionality and your ability to discriminate. You talked us through the ability to discriminate because the (b)(1)1.4a (b)(1)1.4a has the sensors and he has the point of view, the positional advantage if you will, to ID targets and he has the accurate weapons platform. As opposed to your heavy weapons which are direct line or direct line-of-sight, direct fire and not having a line-of-sight and not having the precision and not being able to PID the targets through walls and so, to the compound walls. What I'm not sure about and I want you to talk us through the necessity, what was going through your brain, how the group for the necessity of 82 round and also for the proportionality issue.

How is that proportion given that fact that this is a built up area and you have a historical (b)(3) 50 USC 3024(i) (b)(1)1.4c, (b)(3) 50 USC 3024(i) has been established, that you know that there were going to be civilians amongst-ROE-yearh well, consider, but the (b)(3)130b, (b)(6) if you'd talk us through that.

A118 (WITNESS): First of all for proportionality, selection of platform for is based consideration we want our force to be, the minimal amount of force to achieve the objective. We have the (b)(1)1.4a on station the entire time and only used that platform once for the exact reason that--not quite as accurate and obviously a much, much weapon that than their wielding. For us we --through out the engagement took it incrementally that our intentions, myself and I speak for (b)(3)130b, (b)(6) too, having spoken with him on this issue, was to get to the point where we were able to relieve the pressure, the direct fire pressure that we were receiving building 26 vehicles outside the compound to the point that we could conduct a maneuver and in an effective manner, where we wanted to begin conducting maneuvers, start getting casualties and become effective in what we were trying to achieve. And so in each of these instances we would engage with the Specter and as I previously mentioned, as we felt the fires starting to add, we reorganize forces, get ready to start the assault element, start moving the assault element to the clear and as we because engaged again and the volume of small arms fire was such that we couldn't conduct our maneuver, couldn't get across these areas and up into here. And couldn't really clear up into these built-up areas without at that point feeling that we would be locking horns and get into a very messy fight. We back off, tried to reengage a little more, conduct a scan--the (b)(1)1.4a (b)(1)1.4a access the battlefield. And if you're doing that multiple times, it took us multiple times to get to the point, but the pressure was alleviated. So we felt that we be able to effectively conduct a maneuver to clear these areas and also effectively get into these areas and not get into a room to room, house to house fight. That would have been very, very ugly based on my experience.

Q119 (b)(3)130b, (b)(6): Earlier I had talked about criteria for no-go and we just talked about potential civilian casualties. Did you even--did that even cross your mind? Not with regard to civilian casualties, but the fact that your disguise has been blown, Mullah Sediq--I guess you guys through Intel have--think he's going to potentially escape out the North way and you don't have him contained. Was there any thought to backing off and reattaching or backing off completely? Was that in consideration?

A119 (WITNESS): In terms of conducting various forms of maneuver----

Q120 (b)(3)130b, (b)(6): That or just completely withdrawing at that point.

A120 (WITNESS): I'll be frank with you sir, no. Just a--at that point we're committed, there's--there are known AAF there, we're in the fight, they're standing fighting with us. For us working with commandos at that point, for the reputation and just the credibility of coalition forces in the forces in the area, first to withdraw from a fight with the Taliban is not----

Q121 (b)(3)130b, (b)(6) Inconceivable.

A121 (WITNESS): Completely inconceivable and unacceptable.

Q122 (INVESTIGATING OFFICER): It disturbs me (b)(3)130b, (b)(6) when you say "inconceivable." There has to be some scenario in your mind and the easiest would be over matched in terms of either bad Intel, way over max force, there must be in your mind as the commander, some scenarios we're saying, "Fuck this, I'm going the other way." You got to admit that.

A122 (WITNESS): Yes, sir. This specific scenario I'm referring to--it was outside as I mentioned my alarms bells are going off, this was happening on the ground matches exactly what the Intel briefed. I've got what appeared to me just based on the amount of fire we're receiving, 25 to 30 fighters, matches the numbers built--briefed in the Shura. All the security position matched on the way in. At that point, when I said, "inconceivable" I mean, in the scenario that we were in for me, to withdraw or force once we were engaging with the Taliban was you know, obviously if we took heavy, heavy casualties and we're no longer combat effective, we would of withdrawn. But at the time we know the fight was going--to be it wasn't something that was heavily weighing.

Q123 (b)(3)130b, (b)(6) Because it was based on what you knew at the time?

A123 (WITNESS): Based on what I knew at the time.

(b)(3)130b, (b)(6) For instance, if those two gentlemen had walked out with human shields essentially you know, a variety of civilian and so--walking towards your positions---

Q124 (b)(3)130b, (b)(6) What did you do? 35

A 124 (WITNESS): Rodger, sir.

(b)(3)130b, (b)(6) Building 35?

Q125 (b)(3)130b, (b)(6): Were--suddenly children poured out of some of the homes, that would of course change the scenario.

A125 (WITNESS): Absolutely. We wouldn't, there's no way we would. Again, there's no way we would engage in a scenario like that.

Q126 (INVESTIGATING OFFICER) (b)(3)130b, (b)(6) do you want to--unless you guys are done. Do you want to finish any sort of a mission and then we will get into some questions, please.

A126 (WITNESS): Yes, sir. Once SSE has been updated it was around, 0815, 0830 received all reports the SSE teams in our portion of the objective that was complete. Both teams were clearing about the same pace so that the team that was on this portion of the objective also called here complete. And at that point we both called up to (b)(3)130b, (b)(6) he coordinated and said, "Roger, we're going to start breaking down." Broke down systematically went back to our vehicles, keeping security in mind, we don't want to just drop our guard. Load up the vehicles, see this area right here, they form into a 360 security position, again loading the vehicles. As I came out additionally they were conducting tactical questioning with majority of military aged males on the objective. After conducting tactical questioning I know that they took five individuals off the objective. That was just my observations; I wasn't part of the tactical questioning process. Then--about now we loaded up into the vehicles, pulled back up to Route 1, moved down to Route 1 around 0900 and then came North on Route 1, went back to Fire Base Thomas where a reception party was waiting for per our SOP to take detainees or debriefing individuals for the mission.

Q127 (b)(3)130b, (b)(6) Did you get anything out of the cell phone exploitation?

A127 (WITNESS): We do, we get a lot --- for this specific mission, not---

Q128 (b)(3)130b, (b)(6) The cell phones that were taken off, was part of the SSE--the brand new ones, I think they were brand new.

A128 (WITNESS): Not to my knowledge, I know that there's-- (b)(3)130b, (b)(6) can talk very specifically as that piece--they will the DST always try to let us know, "Hey this is what we got out the raid you conducted", just to A, keep us aware of situational awareness and when the guys do a good job you know they obviously want to know about it. "Hey, this individual we took, he had connections here, here" and opening himself for us. The specifics of the cell phones, just in that--that is part of what they do immediately after these raids and I know that the intelligence sections look very heavily at cell phone traffic and try to figure out. And additionally that helps them I know figure out who is exactly we've detained because frequently we'll detain an individual who would say his name as X, Y or Z. (b)(1)1.4a, (b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4a, (b)(1)1.4c, (b)(3) 50 USC 3024(i)

"Oh, okay," so we have

one of these five guys is this individual that we know about. So they--they actively do that afterwards.

Q129 (b)(3)130b, (b)(6) Anything else?

A129 (WITNESS): That's all.

(b)(3)130b, (b)(6) If you want to have a seat.

Q130 (INVESTIGATING OFFICER): (b)(3)130b, (b)(6) throughout the course of this--to our engagement from the gunship at least and then the force was trying to go in. As you said, recanted back and kind of regrouped in 26 and then the clearing the--and then SSE. Your actions clear the gunship to engage in essence seven buildings and the (b)(1)1.4a to engage one, for a total of eight destroyed buildings. We have testimony to indicate that your rationale was outside the one, two, three area, read squitters. That in fact one individuals--one individuals to be monitored and engaged at some point beyond one. So one was still monitor and watch status. At anytime it reached two or more, in most cases in the open and or certainly in a building, you methodology was engage. Is that accurate?

A130 (WITNESS): No, sir. (b)(1)1.4a

(b)(1)1.4a To give you a feel for-- (b)(3)130b, (b)(6) was [inaudible] real time with crews and then as they would get something that they indicated was actions that would be deemed hostile or potentially hostile, he would tell me. "Sir, this is what's going on, we got two individuals moving towards building one, two, and three right now." You know, at that point you know, him saying to me, "Sir, this in my estimation looks like hostile intent, do you concur?" I'd say you know, "Okay roger, I'm tracking, hey (b)(1)1.4a is going to engage." "Sir, roger that."

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

Q131 (INVESTIGATING OFFICER): Okay lets say under some scenario were squitters my word, and one, two, and three were kind of working their way towards the 33, 34, 35 area. And your testimony would indicate that those squitters were more less given the enemy combatants hostile intent label. And no matter where they went above two, the guidance was to engage, is that correct?

A131 (WITNESS): Specifically--I'm just trying to remember specifically which portion you're talking about sir.

Q132 (INVESTIGATING OFFICER): Well again a slightly different depiction of the battlefield given the testimony from another individual, but it more less described squitters coming off of the one, two, three area that more less fanned out to get away. Again, when it was one, it was monitored and get back to me but certainly watch. And when it became two or more certainly in a building and guidance was given to engage. Is that correct?

A132 (WITNESS): As we saw individuals moving and groups that position of tactical advantage around us, to points where they can engage us in building 26 as we were taking fire from all positions. I deemed hostile intent the majority of those cases as they were moving to positions where they engage us.

Q133 (INVESTIGATING OFFICER): And your determination was again then leaving one, two, three? Or they're position to effect your position in 26?

A133 (WITNESS): Them leaving, if they had been for instance sir, leaving one two three going this way straight across the field. To me there will be nothing hostile about those actions. By this point there is no, there's no confusion where the U.S. forces were gathered. We had a very large foot print we're pretty visible on top 26 and takings and sustaining fire. The individuals start coming in to these compounds and try to "hug us" which is the tactic I've seen used frequently that Insurgents will try to move in the compounds as close as they can get to you to negate the fires for our supported arms, they know is our main advantage. They'll get so close to you that in the case then it turn into much uglier direct fire contest which plays to their advantage so. These individuals were--if they were removed and start getting close--really close to us and maneuvering close into our positions, I deemed that as those Insurgents maneuvering into positions of tactical advantage which per the ROE is hostile intent.

Q134 ((b)(3)130b, (b)(6)) So what you're saying is basically it's not just the fires?

A134 (WITNESS): It's just not the fire, its maneuver, maneuver is hostile as well as fires [inaudible]. Just as if I was to start maneuvering out of 26 up towards building one, two, and three, I would fully expect the Insurgents start to engage in me whether or not I was actively firing at building one. They can see me maneuvering up and towards their position.

Q134 (INVESTIGATING OFFICER): With you again, moving up to one and basically setting up C2 from the roof and if you will collecting the clearing post clearing calls from your force at least and then (b)(3)130b, (b)(6) on his. To the degree that you either got reports or you saw it yourself, admitting you can see 50 and 51 etcetera, where you were on the roof. You used the word "FR 45 minutes to go rubble." How much rubble was there and I'm looking for a height estimation and again every building was different. And I'm looking for some sort of--you were the on scene commander, could any civilians have been buried in there to where you didn't hear them, you didn't see them, you wouldn't have discovered them in any way shape or form?

A134 (WITNESS): I knew the potential could exist that they were one or two under maybe some significant portions of rubble that we unable to find, but in the numbers that are being reported and some of the investigating I've seen is, in my estimation looking at it, it's a possibility. I can't--I can't see how--how many people would have been under that [inaudible].

Q135 ((b)(3)130b, (b)(6)) Here's I mean--in considering the SSEs that you are walking. You still only came up with [inaudible] again in the MISREP, it says 30-35. Where did they go? That's a

rhetorical question. It's not for you to answer but that is part of our problem sitting here. Okay, well if we had eight fighters that we know of, that people physically saw on the ground and we have the six civilians that were killed, we know where on the ground. That still doesn't add up to 35 which we got out of the MISREP

INVESTIGATING OFFICER: We don't have the weapons, so that--

Q135 (b)(3)130b, (b)(6) Even if we blow up you know, blow some--a few of them to bits and maybe they got mixed up with rubble and we're having a hard time getting you know let alone to 90. We're having trouble getting to 35 with the bodies. So you know it--what that tells me if that--it is potential, if we're missing fighters we're probably also missing civilians that are mixed in with the rubble. And look--a full body form like this you know, would take quite a little rubble to hide. But the--one a body that is broken up and pulverized a little bit maybe--maybe not so much. So, that's part of the physics problem we're trying to wrestle with here. Who died and where.

A135 (WITNESS): I think on the SSE, you know we had individuals going through rubble and I say that because one of the Marines found a little girl that was partially covered in rubble and helped her. So, in my estimation that--potentially there was one or a few others like that. As (b)(3)130b, (b)(6) said you know, the fact that there were 90 full bodies under that rubble, I find very difficult to see how that--just how that could have occurred.

Q136 (INVESTIGATING OFFICER): (b)(3)130b, (b)(6) the earlier term you used it was impossible. You are now saying it's possible?

(b)(3)130b, (b)(6) Let's say--let's not say 90 'cause, let's say you know, we're not actually lining you a draw figure out because a--what we want to know though is based on the rubble, is it possible that there were numerous enemy combatants or civilians in the rubble, that you just didn't see because you weren't given heavy equipment, you weren't going dig into it as part as the SSE.

A136 (WITNESS): My estimation, what I would say, there could several, I wouldn't say numerous, I would say several additional.

Q137 (INVESTIGATING OFFICER): And that's only again from your sweep not----

A137 (WITNESS): I did not physically see his sweep, so I can't--

Q138 INVESTIGATING OFFICER): So for the operation and again we already talked to (b)(3)130b, (b)(6) but it's not inconceivable that in his section of the clearing efforts to include the SSE from there, there was obviously rubble and destroyed building that you didn't see, you comment on?

A138 (WITNESS): No, that's accurately, there are rubble piles I did not see.

Q139 (b)(3)130b, (b)(6): And help us understand when we're seeing reports and I'm sure as commander you've seen them because you wanted to know what their--what the allegations are. The videos of the children and there are obviously more than just potentially the seven or five of seven that were found when you conducted your SSE. How do you explain what they are showing us at least?

A139 (WITNESS): You know, I believe that potentially there were some of those were the ones that we saw on SSE on the one, you know the ones that we saw on our portion of the objective. I know that (b)(3)130b, (b)(6) element's saw with two, to two-three additional woman and children. And you know in addition to several more being the realm of I'd say you know potentially 10 or so you know. Buried in the rubble and missed potentially during SSE although I'd put buried in some form and then missed because they were somewhat concealed. As more likely but at this point I'm speculating.

Q140 (b)(3)130b, (b)(6): As are we. We're just trying to get a-- (b)(3)130b, (b)(6) had said this several times, the Delta between what you all found (b)(3)130b, (b)(6) reported in his investigation and what they are claiming. Because the--I'm sure you've seen--have you seen the videos?

A140 (WITNESS): I've seen stills from NDS video and I've seen the doctor's video.

Q141 (b)(3)130b, (b)(6): There's some other videos out there. One that the AMP have created from a few days after and one that a--Herat Provencial folks created, we don't have those. I saw them the other day, we don't have those on hand unfortunately. "Cause probably be worth having you comment on. But they go through and they show a complete--all the things pull back as they went through the morgue. And what a--we--I think your guys, your two section has analyzed some of that as far as what the numbers could be out of that. At the end of the day I think though you summarized your SSE was--can only be done to a certain level for your own guys protection, safety, etcetera, you can't bring in back-ho's you can excavate the site once you fire 105 rounds etcetera it's going to create potential rubble that we're just have to dealt with my the civilians on the scene.

A141 (WITNESS): I would say that--since we've been here that mission's SSE was the most extensive that we ever conducted. And in the fact that we stayed, we usually don't like to say passed daylight just for force protection reasons, they put IUDs on the road for us especially if we don't have--especially if we're coming via ground. You know, I made a recommendation saying, you know, it is just me and (b)(3)130b, (b)(6) talking but, "Hey, we really need to get a good SSE." And you know and we both "Oh yeah, absolutely, we're going the guys on the ground until we've looked at absolutely everything here." That was over three hours.

Q142 (b)(3)130b, (b)(6): You're a smart guy; you know what's been done with regards to the IOPs. We had some villagers lie to us yesterday; so it sets up that there are additional things going on here. How would you change, how you did the mission? So you take that piece away from the enemy?

A142 (WITNESS): A lesson learned from previous mission that I think would of hind site always being 20/20 and leading this mission you know, not realize--not having--having no indications that this would be the you know the IO piece that we would be here doing this. That if there's any--the previous mission we did were we thought there might be a real challenges for IOs we even went back into Zerico valley which is a sanctuary near here that no one have been able to go into for almost 18 months to a very large TIC that occurred in April '07, somewhat similar to what happened here. Going back in there, long story short, we seized (b)(6) compound who was the senior commander in the Zerico Valley. Made the determination to hold it for 96 hours, that was--for us several advantages. One being at that point we had had difficulty getting the Taliban to commit to fight our elements in some of these areas that we knew were safe havens that they saw a large force, a raid in front of them, they would just melt away, then that force would leave and the town would be back under Taliban control. So our company, the MSOC came up with a plan which was basically to take our team 7326 and the commandos drop us in the Zerico Valley. Really trying to put it into terms, almost like a piece of bait to get them to commit decisively, seize a key piece of terrain the center of gravity there. And once they've committed, to have the forces are ready to pounce on them and basically put them in dilemma where they either had to commit decisively to grab this key piece of terrain or they had to lose great deal of face in the Zerico Valley because now the commandos own the (b)(6) compound. To get to the point, what we saw happening was the initial assault occurred. We went in, took the objective immediately. A lot of accusations were generated as to what had occurred on the objective but we still held the field for 96 hours, we had the Red Cross come out, we facilitated their visit. We were able to hold that piece of ground for 96 hours. By the time the 96 hours had expired, any type of allegations that could have potentially occurred, had already occurred and we had enough--third party individuals in just like the Red Cross, UNAMA, if they had wanted to visit, they could have visit and they could visited before we had a situation similar to this where the town was shut off and spin out of control and who knows what happens when the town when the town was shut off. As you gentlemen are aware of. So, as I said hind sight being 20/20, I would think in the future lesson that would be learned is if there's any type of doubt as to which way the IO SPIN could of go, to keep the on scene force there as long as it's viable to force protection and if it's not to even look at the idea of reinforcing that element so that they can hold the ground until the IO can be managed once everyone feels confident that the IO piece has been managed then allow them to withdraw or to even substitute with out with an HA unit a CA type unit. Jus to keep some type of U.S. face on the mission until it's been, until followthrough come so. That's the lesson I'm taking away from this.

Q143 ((b)(3)130b, (b)(6)) One of the other questions I have because we would be able to advise the ((b)(3)130b, (b)(6)) with regard to procedures and policies, and changes of that nature. How many civilians are too many? And when can't you--when as a commander should your exercise of self defense be limited? You can say never, but that's the question that we have for you. If you're firing into buildings, you don't know the contents of those buildings in an urban environment and you have done that enough in your previous experiences. Is it just--we just have to--you're just going to accept the fact that you're going to have a lot of civilians losses, is that--

A143 (WITNESS): I'm not sure--It's just that a--it's a very difficult thing to quantify as it's very much situation based and how the battle's been outlined, the decisions that you--that you're confronted with. I can't put a number on it. I would say it's the--when you get into the science and art of things tactically, the science being you know what is the max effective range of all my weapon's systems. I know I don't deploy my unit accordance with the capabilities, the art being when to do it, when is enough, enough, when it's too much, too much. What the right decisions your instincts I think, I think those specific questions fall more into the--into the art which is the judgment of the commander on the ground based on the scenario that's he's presented with. And one thing I've seen that two are ever alike.

Q144 (INVESTIGATING OFFICER): For me, I kind of got to--not kind of, I do have two questions and one is because I'm an Airman, haven't had a lot of experience on the ground, I want you to just be as candid as you have been as explain this. You are the best Special Operations Forces in the world. As it turned out, this engagement was fundamentally an attempt to capture kill one HVI, through a very quick action on your behalf to protect your force, you ended up basically having your very elite force take protection in and around and building and watch a CAS platform dictate the battlefield for two hours before you could engage. How does that happen from a bunch of rookies, on the others side?

A144 (WITNESS): At any point in that engagement sir, with complete confidence I can tell you that we could of gotten into our gun trucks and dropped to complete bare the full amount of combat power that we had on station. To me, the reason we were held up in those buildings and engaged in those platforms was to try to do this with the minimal amount of destruction as possible and to keep collateral damage low. The difference between us and the regular infantry units that I've been in, is that for a lack of better analogy it's sort of the sledge hammer versus the scalpel. We've been in regular infantry units, you know the scalpel capability is definitely still there in certain instances but that unit's capabilities is to bring the full weight--frequently of its systems to bear on the enemy. And with what we had on the battle field that day, MK 47, 40 millimeter machine guns, 40 millimeter grenades, very similar grenades that the (b)(1)1.4a fires. AT-4s, small deep rockets, 50 caliber heavy machine guns, plus multiple light and medium machine guns. The only reason we let them keep us pinned down because the only way to immediately that pressure would of been to give the trucks on line, start maneuvering and start engaging in these building with those heavier platforms. That would of cause completely unacceptable collateral damage and would of really just been a--it would of turned what we managed with precision fires from the air and into very imprecise fires from the ground troops that lack aircraft platforms and situational awareness. I hope that answers your question.

Q145 (INVESTIGATING OFFICER): Last for me at least is that as we've all said the purpose of our trip candidly is to get the truth as to what happened. The enemies as you well aware is very smart, there are, as we discovered just being here two days, there's agendas that is one member of this board was quoted as "Have nothing over Days of our Lives." My question is, is that we have to make some recommendations. And the only thing that really concerns us is, that it is an experience on scene commander, the way current ROE is stated (b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

And as a result, allegations start with regard to running what we--you and I know to be a pretty good comprehensive investigation that (b)(3)130b, (b)(6) did and it's going the right. And that brings with us certain second and third order effect that include salvation payments to Taliban agendas being advance etcetera, etcetera. Given all that, you know all that. What recommendation would you make ROE or otherwise to be able to take into account what is going to grow to a Geo political issue in Afghanistan as we start to shift from Iraq to Afghanistan, we certainly want Marines, at least in this part. To where you know our President and our senior leaders in the government can't take candidly an on scene commander's decision to declare hostile intent the way the current ROE is and suffer the casualties that is possible in this buildings. What would we change?

A145 (WITNESS): I think--sir we already hit on to me what would be I think the single easiest and best change you could make which should be a shift in policy or at least a tactical change to have, have commander and have units be used to if there's a scenario where nothing worse than a bad fight--tough something develops into a tough fight to have us hold the ground to the best that we can so at this point we can manage the IO and we can be in a situation where the troops can really come. I think that would be a very easy way.

Q146 (b)(3)130b, (b)(6): What if you held the ground here and you dig up 90 bodies, 90 civilians? What's your next step? You were managing the IO campaign, but you still got 90 bodies.

(b)(3)130b, (b)(6) That's two different questions.

A146 (WITNESS): I understand--

Q147 (b)(3)130b, (b)(6) The question was asked, what would you do an ROE? What changes would be made in ROE, not in the IO, we already talked about the IO, what changes in ROE? Is that ROE still valid or should there be are we going to employ and the thing is, the perception is, indiscriminate use CAS in a built area, is the perception that's out there, not just this instance, but theater wide.

A147 (WITNESS): The point was sir that no matter how long you hold ground the IO----

(b)(3)130b, (b)(6) If you take up 90 bodies--

(b)(3)130b, (b)(6) You dig up 90 bodies, so that's not reissue.

A147 (WITNESS): I would say we still know that's exactly what happened, there could be no, it--you don't see the same level of strains that the political and strategic levels, everybody is on board, you don't see tension between the military--our military forces that are here and the Afghan government because of that point. We've held the ground together, we investigated together, we have done everything together and you don't have sort of a "he said, she said" I think that would alleviate a lot.

Q149 (INVESTIGATING OFFICER): (b)(3)130b, (b)(6) think you're right but we do have this--we have continued review of the coalition working together. To ask fundamentally what was already reported in one news article that led to this is Sediq worth 90 bodies? So hold that question if you would for second so your answer to my question of at least in terms of what changes would you made would be some sort of, what more time please?

A149 (WITNESS): I would say after the if there's a mission or contact has the potential to arise as a political issue to leave some forces on the ground there U.S. and Afghan together to manage any time of investigations further all--

Q150 (INVESTIGATING OFFICER): You want to maintain control of the objective.

A150 (WITNESS): I think to maintain control of the objective could help.

Q151 (INVESTIGATING OFFICER): And that relates in again, correct me if I'm wrong, it's really not an ROE change, you don't sense anything from your perspective that would make the civilian casualty collateral damage assessment any tighter, you're just concerned about, if you will, the after effects about getting to the truth if we maintain the objective that's not going to be in doubt.

A151 (WITNESS): No, I think that would be most important, I see it. I feel that the ROE as stated I think it's necessary if you're going to put ground forces in the position to be locking horns with the enemy to a degree of latitude is given to the ground force commander to do what he needs to do to protect his force.

Q152 (b)(3)130b, (b)(6) Talk to me about during your pre-deployment training. How long was your workup?

A152 (WITNESS): I checked into MSOC in January 2007 and deployed in March of '08. I was say our work up as stated really began in April of '07. So approximately a year.

Q153 (b)(3)130b, (b)(6) And ROE training, what type of ROE training did you get? Your team?

A153 (WITNESS): We received the standard ROE briefs. Initially they had an Air Force (b)(3)130b, (b)(6) and his team with additional group of lawyers that the Marines Special Operations School hired to come down and teach us a week long course. So and ROE in escalation force.

Q154 (b)(3)130b, (b)(6) : Did any of that training involved use of CAS in an urban area?

A154 (WITNESS): Not specifically that I can recall, that was about a year ago.

Q155 (b)(3)130b, (b)(6) If I can ask about the ROE training for minutes sir [inaudible]. You said you hired somebody to come down--

A155 (WITNESS): The MSOS has had a contract with trainers. I'm not exactly sure what their hiring process is.

Q156 (b)(3)130b, (b)(6) Do you remember this (b)(3)130b, (b)(6) was he in civilian clothes?

A156 (WITNESS): No, he was wearing a uniform.

(b)(3)130b, (b)(6) He was wearing a uniform, okay?

Q 157 (b)(3)130b, (b)(6) We have used that in the Marine Corps where there are reserve lawyers--

A157 (WITNESS): He may have been.

Q158 (b)(3)130b, (b)(6) I'm just thinking of one particular reserve lawyer--a (b)(3)130b, (b)(6) Air Force who's got an agenda. Who the JAG Corps has been basically telling him [inaudible] but if you don't remember his name.

A158 (WITNESS): I don't know his name sir.

Q159 (b)(3)130b, (b)(6) How hand on was this training? Was this mostly in the classroom?

A159 (WITNESS): No, it was classroom and there's also practical application. You know, escalation of force you know, in a house showing you known, they were--would use example showing how quickly a situation could escalate. And individual comes out at you with a knife--for ten yards away know how quick you tried to draw your pistol if this individual would come out at to use just situations for everybody sort of the same sheet of music what was and was not hostile intent, in addition to classroom instruction. Additionally, went to--instruction [inaudible] shot no shot scenarios, things of that nature.

Q 160 (b)(3)130b, (b)(6) Is this--primarily resolve direct fire engagement? Escalation of force?

A160 (WITNESS): Primarily to my recollection.

Q 161 (b)(3)130b, (b)(6) Okay, but--again nothing with the use of supporting arms

A161 (WITNESS): Not specifically that I can recall. There may have been a portion of it that I--that I don't remember much--it was over a year ago.

(b)(3)130b, (b)(6) The nexus of the ROE is what the ROE is. It's been frankly written in blood over the years. And the tipping point for ROE comes down to the estimate of the commander on

the scene and his best judgment and to continue to update his estimate of the situation. That's what--was having you talked through here, the estimated situation. A part of that is all goes back to training. And given a commander as many "at bats" as you possibly can in training and what I call a cognitive batting cage. Put gas in the batting cage and give them some of these situations so they can see it and will factor into the recognitional decision which is quite frankly, there is an analytical decision that all went the previous planning. Once (b)(3)130b, (b)(6) and his team cross line of departure and came under contact, it was a series of pattern of recognitions that he had to deal with on fly and with partial information, bit and pieces of information. And that's the situation any commander in a ground fight, finds yourself into--and there are decisions that come and go and then now you're presented with an entirely differently situation.

INVESTIGATING OFFICER: I'm with you (b)(3)130b, (b)(6) and you know this as you've done it including this mission. It's a GO political level and in order for us to succeed in any coalition effort, civilian casualties would have been, is and always will be. One of the red lines that's going to force America to either stay engage or break right because either the coalition country that we're involved in says, "Shove it, I can't take this anymore. Because I can't digest it, I can't eat. Or there maybe some financial and or economic reasons with that and the American people frankly are tired of spilling blood for someone else's country despite how long this takes. So there's a spectrum here which says or over emphasizes for example sake, you can either say, "hell be done to the--is the result of the ROE implementation to where I'm clean or whatever goes under this which in this case it was eight buildings, is what ever it is, if it's zero or 2,000 what I did was right." And we have to circle the implication of that which basically says as a result of this post 911, our mission decided to kind divide and conquer which is another discussion not for here. But now that we are coming back towards Afghanistan and depending where the elections goes we're now in a position where civilian casualties for all the NGO actors that I think our nation endorse candidly to make sure that human rights and democracy and truth, justice, and the American way is why we're in this. If you cross the line between is eight buildings enough? How about nine? How about 10? And every time you do it, you don't know what's underneath the roof. So in your mind when you make these tactical decisions you have to always think about what's the cost benefit analysis as a ground force commander and at some point you gotta be able to say it was the right thing to do despite the 2,000 innocent civilians I wasted to get 20 Taliban. My over estimate. And our engagement as American would continue to be accessed in terms of what's the cost. I can tell you right now I think you already know. This is a--in a GO political sense a very easy discussion between 30 and 90 candidly you have to come up with 60 and we'll do that in some way shape or form and I'll wrap this up in a second. But engagement after engagement after engagement, you see it. Every Early Bird that comes out what you see the NATO forces in the North RC South. Wasted two guys after a warning shot and somebody else. The Taliban using classic coin kind of tactics are playing this game as they were in Iraq as they will in other places because they know that's not our strength. It's getting to be our strength candidly and I think through [inaudible] SOCOM is still developing in this capability we got some QDR broke but at the end it's the way [inaudible] because you can't take us one on one. So this is were the fights are now and will go in the future. And while our nation prepares to do that, the constant review of quite frankly, on scene commander, you make tactical

decisions while protecting their force you candidly I think you did this, obviously very very well, minus the (b)(3)130b, (b)(6)

[Several people talking over each other.]

INVESTIGATING OFFICER:

It's always going to be assessed with regard to what was the end stake. And frankly, our President has already apologized to President Karzai over this because we admit we've taken at least one casualty, a civilian casualty, okay. And we're to come up with an estimate to the best of our knowledge and basically say, you know what's in the art of possible what could we, what could have happened under those eight destroyed buildings. In the end, I just want you to--I want you to walk away from this not seeing the world so black and white and staying away from words like, "it impossible, inconceivable" because frankly I think you admit on the battle field it is. And make those tactical decisions which still stand in the ROE but in the back of your mind think, because again, because I'm hopefully looking at a senior Marine leader. We always have to think that there's another side of the coin [inaudible]. We have think to think the other side of the coin about the civilian implications who--this is about them and protecting them and wanting them to know that we're on their side. If you win a war, if you lose the battle downstairs in the IO campaign in their minds, if you move to hearts and mind you've lost that battle, we don't probably have to be here. Anything else?

[Negative response from all members.]

INVESTIGATING OFFICER: Our suspense back to CENTCOM was the 24th of September. We've been a--again I've been accused of [inaudible] we need time to digest this. So you can anticipate probably asking for an extension from the Acting CENTCOM Commander, which hopefully he'll see. We'll debrief him. You can anticipate the report to be classified as [inaudible] and then we are going to debrief before we go home both the ISAF and 101 commanders. My expectations to is and probably invite (b)(3)130b, (b)(6) [inaudible] I'll probably invite him to come along and hopefully he will. What CENTCOM decides to do with that after that is up to them. I told everybody that we've interviewed if you will, don't say this deliberately, got any hair cuts and shines and shoes for a living? Thanks for serving our nation.

WITNESS: [Inaudible] Thanks for coming out.

Approved for Release

Encl 2

VERBATIM INTERVIEW OF

(b)(3)130b, (b)(6)

[Interview all ready in progress.]

INVESTIGATING OFFICER:-----commander on the 29th of August. Specifically in the General Dempsey's tasking to us is just to look at new evidence. So fundamentally we're going to focus in new evidence from our investigation and see to what degree a of change (b)(6) (b)(3)130b, (b)(6) initial investigation. In addition to myself (b)(3)130b, (b)(6) (b)(3)130b, (b)(6) is the lawyer, they are both from CENTCOM and their joining the team basically get to the truth. So you gonna, do you want to do your-----

(b)(3)130b, (b)(6): Do you mind standing please?

INVESTIGATING OFFICER:-----intro. You'll love this part.

(b)(3)130b, (b)(6) All right, if you could you raise your right hand. Do you swear to tell the truth the whole truth so help you God?

WITNESS: I do.

(b)(3)130b, (b)(6): Please state your name for the record.

WITNESS: (b)(3)130b, (b)(6)

(b)(3)130b, (b)(6) All right, your rank and duty of assignment?

WITNESS: (b)(3)130b, (b)(6)

(b)(3)130b, (b)(6): Currently stationed?

WITNESS: We're about to redeploy from Fire Base Shindand or Fire Base Thomas.

(b)(3)130b, (b)(6) To?

WITNESS: To (b)(6)

(b)(3)130b, (b)(6) Okay, (b)(6) Okay, good, that' all I have.

Q 1 BRIG GEN CALLAN (INVESTIGATING OFFICER): If you would, we'd like to start off with you given us about a five to ten minute overview with regard to the operation. You

know obviously you were the JTAC that accompanying (b)(3)130b, (b)(6) in the objective. We're pretty good about--term of knowing almost a lot of--exactly went on. But again, you're one of the witnesses. And obviously was an active participant in the operation itself. So give us whatever you know background, but I would argue limit it. I want to focus in on the operation from really when you kind of departed FOB Thomas. You take us through about a five to ten minute overview and how the world was seen and viewed from you.

A1 (WITNESS): Okay, you want me to from beginning to end through the operation or stopped at the start of the operation?

Q2 (INVESTIGATING OFFICER): Again, I think we've got the mission planning piece. Unless there's something significant you want to contribute, I think it again, I'll leave that in your mind. But I really want to focus in on basically the operation itself.

A2 (WITNESS): Okay. I had good comms with Slasher 02, the (b)(1)1.4a that we had on station and the--they were basically our eyes in the sky providing us situational awareness in route to the objective. We had a little hiccup on a--we were thinking we were going to be off our time frame getting there but the--we fix it and the--initially from them our situational awareness of the objective area we didn't--it looked quiet, comm, nothing. Our Intel picture, the background if you're aware is that we understood it was supposed to be show, 10 to 20 guys and a--high level armed PSDs and such things. And then oh--we didn't have clue or in that area there's always the possibility our reinforcement from the surrounding areas but initially from Slasher 02 was a--clear until we got really close and then a--they started seeing things very quickly and informing us. First thing that happened was we were on the road about to reach the turn off point and Slasher identified a lone individual in the middle of the road actually, standing in which we took to be a road block. He was--we believed Slasher reported him to be 50 to 100 meters in front of our lead vehicle at that time. But the--we didn't need, we were at a point where we didn't need to go that far down the main highway, Highway 1. We a--our lead vehicle was navigating he--veered off the road basically rounded the corner off so we didn't have to actually go 'cause--that--it just some guy standing over the road he'd probably stopped us if we got that far but--. Once we moved off the road our Intel picture was accurate as we've being moving towards the objective. We did hear a warning shot from someone off to our left to the East and a--at that point there was nothing we could do. Slasher could not identify, he asked for a--range and distance. I gave him a range and distance it was real rough, 200 meters to a--our North East. He was stuck and began scanning that area and a--I told him disregard and basically just scan objective area 'cause----

Q3 (b)(3)130b, (b)(6) Let's pause there. Show us where you were when this happened.

A3 (WITNESS): This is actually off of this.

Q4 (b)(3)130b, (b)(6) Off of that still? So----

A4 (WITNESS): You have to see Highway 1. Okay it would of been somewhere--yeah, it would have been somewhere around here. We veered off the road early. If we would of came down and made a right angle basically and came back around that would off----

Q5 (b)(3)130b, (b)(6) So you----

A5 (WITNESS): The individual was back here, we veered off somewhere up here where the other road is.

Q6 (b)(3)130b, (b)(6) And you got a shot from somewhere from your left and East?

A6 (WITNESS): Yes, as we veered off and we moved and we moved it wasn't from that location, it was somewhere off to our left over here, somewhere around one of these wall compounds as we moved around. We did the only thing we could do at that point as we continued I mean that--everyone realized the Intel picture was accurate, that the--our source that told us that that's--that was the way they did things and they set things up and that's the way they controlled traffic at night in that area. So we continued down to the objective and a--as soon as we got to the objective and we a--determined where we were going to stop that's when our limited advance 'cause of the vehicles that the--was right up in here. And a--obviously choke pointed us. Very heavily going through that tight part right there. So we just pulled up, stopped immediately. As soon as we stopped and began disembarking the vehicles, we began taking fire from three different directions. From our Southwest and Northwest and from the objective area itself. The heaviest fire was coming from the objective area and it was really pouring down the a--that avenue, that choke point there, so it was really cutting our limited advance there.

Q7 (b)(3)130b, (b)(6) Avenue of approach.

A7 (WITNESS): Yeah, avenue of approach--our first vehicle that disembarked--also those guys tried to push through the second when we still tried to set up a support by fire position at the a--mouth of that choke point. And a--that--we were just establishing ourselves at that point and a--being able to return to fire in both directions. We also had fire coming back this direction to the individuals to the West and to the Southwest. But the--we basically were unable to establish fire superiority at that point. We were having difficulty locating where the fire was coming from to our Northwest. We identified it was coming from the compound to our Southwest but the individual was turkey-peaking and it was hard to get a fix on his location, he was popping up and popping up, and popping up. The fire from the roof top of the objective building was intensifying. And the--that is--I was getting word from Slasher 02, he was seeing everything. Once the fire started initially he reported no sleepers on the roof of the objective area. He couldn't identify anybody. All he could identify was a light on inside of the objective buildings. So it was activity that people were awake. But once we disembarked the vehicles and we began taking fire then a--he started seeing everybody. He saw four individuals on the roof, shooting at us and he identified--basically everybody's waking up and all kind of hell is breaking loose in the different objective building of-- Building number three, he had a bunch of people running out the court yard, scrambling activity. He had the--in objective building number he had more

people coming to the roof, he had people going down--out to the court yard also. It was like they were assembling. Also building number two, same thing. At that point, we were trying like I said to establish fire superiority and suppress that so we could go up and breach. But there was a huge vehicle that we didn't know about that was blocking this alley.

Q8 (b)(3)130b, (b)(6) Where's the truck, right in here?

A8 (WITNESS): Yeah. And it was--you would not been able to get down that alley at that time. It was completely blocked off. We would have to go around or over the wall, pretty high wall about at least as high as this room, eight or nine feet. And the--is at that point that the--our team chief, (b)(3)130b, (b)(6) he got hit. He was suppressing fire on this--the Eastern portion of that avenue and he got hit on the wall there. And a--at that point we had to try assess his injury and basically we lost all momentum at that point. And then I contacted Cracker and told him I wanted to have----

Q9 (b)(3)130b, (b)(6) Slasher?

A9 (WITNESS): Cracker is us, (b)(3)130b, (b)(6) is a call sign that he uses--cracker. I contacted him and said I wanted to have Slasher engage those targets. Slasher's telling me--he's telling--he's continuously reeling of situational awareness there--a fourth guys just joined the roof or a fifth guy just joined the roof and there is activity in the court yard and looks like they're assembling at the door or the alley way leading out to where your position is. At that point I cleared Slasher the first time to engage danger close. The individuals on top building--they're the ones that were shooting at us. They had the best angle and they really were--the fire like I said was intensifying.

Q10 (b)(3)130b, (b)(6) What was the distance, about 100 meters?

A10 (WITNESS): Ah--less than 100 meter from there to the building number one I'd say, that's about 30 meters, I'd say it's about 70 meters.

Q11 (b)(3)130b, (b)(6) So you were taking fire from three different directions?

A11 (WITNESS): Yes, we were. And from here, from here and from here.

Q12 (b)(3)130b, (b)(6) Okay, and from the Southwest and Northwest, did you believe that was more than--I mean--you may not able to tell but could you tell how many weapons----

A12 (WITNESS): Two to four individuals to the Southwest and then probably one or two the Northwest.

Q13 (b)(3)130b, (b)(6) Okay and had the--had the machine gun opened up at that point?

A13 (WITNESS): Yes, that was the a--the RPKs and PKMs that were up here or--already opening up in that. That's what they were--pouring continuously string of fire down the----

Q14 (b)(3)130b, (b)(6) you said--how many? How many RPK and PKMs?

A14 (WITNESS): From what--well what we found up there was--we found a PKM and two RPKs up there.

Q15 (b)(3)130b, (b)(6) Your guess is--

A15 (WITNESS): But at that time was hard to tell----

(b)(3)130b, (b)(6) Okay, yeah, all right.

WITNESS: The volume of fires going down.

INVESTIGATING OFFICER: Continue please.

WITNESS: All right. The a--once we had Slasher 01 engaged, initially he knew the location of all friendly forces. He knew that our lead vehicle that had pushed down to I believe this is building 41. And they were at a point blank to that--the personnel that moving around inside building one. We tried to consolidate ourselves along this long wall here and the--at the strong point--basically we were in death way along this wall from the objective building there. But a--Slasher requested that we pulled our personnel back from building 41 to help him engage 'cause he was engaging danger close but he didn't--he didn't want process certain threshold that was too close to be safe.

Q15 (INVESTIGATING OFFICER): With what weapons?

A15 (WITNESS): He was engaging with 105 and 40 MMs.

Q16 (INVESTIGATING OFFICER): So when you cleared to engage and (b)(3)130b, (b)(6) said approved.

A16 (WITNESS): Approved, I passed (b)(3)130b, (b)(6) initials and Slasher immediately begin putting fire on building number and like I said he wanted--he asked us to pull back to help him engage the building number two----

Q17 (INVESTIGATING OFFICER): So I'm clear, when we cleared the CAS asset are you making any recommendations on weapons or are you leaving that him?

A17 (WITNESS): No I'm leaving that to Slasher. I let the weaponeering to him from what he's seeing. He knows his weapons systems.

Q18 ((b)(3)130b, (b)(6)) To follow on from that, what is he clear to hit? Roof number one or that--the three buildings----

A18 (WITNESS): Building number one, two, and three was the first transmission I sent to get clear--the people on the buildings one, two, and three and in the court yards.

Q19 (INVESTIGATING OFFICER): And so we're clear on the radio communication. You're asking this to Cracker, Cracker says what?

A19 (WITNESS): Cracker says, "Yes, put some fire on there." And then I passed that back to--

Q20 (INVESTIGATING OFFICER): So you just pass initials to Slasher and that's approval?

A20 (WITNESS): Yes.

Q21 (INVESTIGATING OFFICER): Okay, continue please.

A21 (WITNESS): Once we strong pointed and pulled our personnel back from building 41, we occupied building 26 and took up positions on the roof where we can have oversight of the objective area. Slasher continued to engage there in the buildings one, two, and three. At the time that our last personnel where just leaving or coming out in the corner from building 41. He reported that 13 individuals had just poured out into alleyway some how from building number one, two, and three, unidentified door--something. But they were pouring out into the alleyway and they were heading in our direction. So I immediately requested him to make them a priority to engage the individuals moving towards us down the alley. Again danger close and passed

(b)(3)130b, (b)(6) initials----

Q22 ((b)(3)130b, (b)(6)) This was the 30 meter.

A22 (WITNESS): This is probably where the 30 meter engagement came from because we were right on this corner and they were moving towards down this alley.

Q23 ((b)(3)130b, (b)(6)) Did he--they were PID as--as enemy combatants or--

A23 (WITNESS): Yes, they came----

Q24 ((b)(3)130b, (b)(6)) Because the fact that they moving towards you?

A24 (WITNESS): No, they came directly from the areas we were taking fire from, building number one and moved at the rapid pace immediately towards our direction. And we were still returning fire--with direct fire weapons covering our own withdraw----

Q25 ((b)(3)130b, (b)(6)) Did you use direct fire? These--these 13 that poured out?

A25 (WITNESS): Our--our individual that was at the end here did engaged covering fire back towards where they coming from. And the--after he engaged them they immediately scattered. Slasher 02 engaged them but the scattered to the Northeast and East throughout the village. In addition, personnel that were left in the objective building were seeing moving to the Northeast, basically everybody that was left in those main buildings began moving to the East whether Northeast or Southeast, they began scattering through out the village. So we consolidated, occupied this building. At that time, also our ground our secondary force came up with the GMVs, they'd made a link up with and we've got some additional personnel, some commando personnel and they began to move around to occupy their blocking positions which were basically the Southern Hemisphere but the--they were unable to continue, Slasher 02 was getting--he had eyes on them but he requested that they--main--just basically stay put until he finished engaging the targets that he was engaging because he didn't want to have to worry about that.

Q26 ((b)(3)130b, (b)(6)) This is been about ten minutes?

A26 (WITNESS): About ten minutes. Well actual no by the time they made the link up with us it was maybe 15 minutes.

Q27 ((b)(3)130b, (b)(6)) So, this initial fight--how long had you been under fire before you brought Slasher in?

A27 (WITNESS): We didn't bring him in right away like I said we tried to take the momentum back and a--and just push on the objective but the--I'd say we were--of course time goes by pretty quickly when you're under fire, I'd say we were there on this corner without supported by fire position about five to six minutes before we called for Slasher.

Q28 ((b)(3)130b, (b)(6)) You--you--when--from the you started entry--let's say from the time the warning shot was fired, when did containment of the entire perimeter occur? Did it ever occur?

A28 (WITNESS): It did occur. It--it----

Q29 ((b)(3)130b, (b)(6)) How long?

A29 (WITNESS):----occurred when a--finally the vehicles were able to move around to the Northeast. That was probably I'd say about 45 minutes after we a--initially took fire or when we initially disembarked the vehicles. We had the--we were depending on basically the air assets for containment from the air by just their sensor acquisition. But the--we didn't' actually get personnel around the other side of the objective till about 45 minutes.

(b)(3)130b, (b)(6) Okay.

Q30 (INVESTIGATING OFFICER): Continue please. So the gunship is tracking the squirters all going East.

A30 (WITNESS): Yes. We're occupying position building 26. Slasher continues to a-track the individuals as they left the building and he a-identified exactly where they went to. He identified to me over--from the GRG which buildings, eight, nine, and ten, they were moving too. He also identified the ones that were moving down this alley that were moving towards the I think--believe it's the 30s series of buildings in this area. And one by one depending on the activity and where they were that I--he reported the activity to me, I discussed it with (b)(3)130b, (b)(6) and the--he radioed (b)(3)130b, (b)(6) and we determined that--whatever they were doing--determine--it was hostile intent. Basically most of the individuals that we engaged had been tracked from the objective building and they were--they were moving around like a--in an organized manner. Looked like they were trying to consolidate, regroup, do things like that. Continuously getting updates from Slasher. He was our only sense--our sensor platform at that time and the--he was telling us exactly what they were doing and what matter they were doing. Approximately I'd say ten minutes after we occupied building 26 then we had Spad 01, single (b)(1)1.4c, (b)(3) 50 check on station. He added his sensors to the fight and he did the same thing. He--we assignment the sectors, used his sensors to scan initially right on the objective and then we had him do containment around while Slasher concentrated on the objective area. This continued for quite some time. Slasher would target, he'd be clear to engage a target, he'd engaged it and it would--the individuals that moved from that location to another location he'd reengage. If they moved into a building and enough of them were present when they moved into a building he'd request permission to engage the building again, permission to engage the building was separate from permission to engage the individuals. We talked to a--(b)(3)130b, (b)(6) and a--identified what building that they went to and a--every building that they basically tracked an individual going to we knew we were going to have to occupy and make entry into so we determined--we determined that--based on numbered individuals that Slasher was seeing enter those building that the--if they grouped and were strong pointing him there, that would be a--big risk to our ground personnel to have to make entry into a building that four guys just regrouped into with automatic weapons and explosives. So we did--permission was given to engage the buildings based on the intel or the data that was passed to us from the a--Slasher 02 or Spad 01. Slasher--it took him probably a lot ammo--he had to use mostly--use his (b)(3) 50 to engage the buildings. The building were--he shot one (b)(3) 50 but a--what was happening basically was he destroyed one room at a time using the (b)(3) 50 he couldn't really engage the entire the building with the (b)(3) 50. He was (i) going through a lot of ammo engaging those different buildings. And the--that's when the decision was made to utilized the single (b)(3) 50 U from the Spad zero--or Spad--not--yeah Spad 01 on the--building 31 I believe it is. I told--I passed this to Slasher over the net that I told him that we needed to engage another building I'd like him just to keep the sensors on, see if those individuals that he was tracking, left the building again, he'd be clear to engage if they did leave the building but if they stayed in the building, I'd like him just to--make sure--keep the sensor on and contain them and then we'd a--work Spad 01 into the fight with his (b)(3) 50 U. And that's exactly what happened on building 31. Basically Slasher had tracked three individuals moving from--that we had taken fire from the positions as they were moving down the alley. And the--they tried to move passed building 31, out into the open and a--he was engaging with 40 MM

(b)(1)12 and (b)(3) 50 and (b)(3) 50 obscured the target, he lost track of where they were. And a--immediately upon his last (b)(3) 50 hitting the last known location, we on top of building 26 took some automatic-- a burst of automatic fire from the end of that alley again, like immediately afterwards. So we knew the target was still active there. I asked him to keep his sensors on that area and he did, once the smoke cleared he identified one individual which was quickly joined by two other individuals. Basically all the individuals he had tracked were still there. And they moved into a building 31 that meet the criteria that I had basically briefed them earlier that I just told him. Just a--he had requested permission to engage a building, I told him to hold, I'd like just to keep the sensors on. Then I a--put him in a holding pattern to the North and had Spad 01 run East or West, actually, yeah, West to East, dropping one (b)(3) 50 on target onto the building 31. And the--after that was--that engagement, there was a--we thought we're pretty much done by the point. And a--nobody was going to move. We were a--asking for both--CAS platforms to run the sensors over the area again. Our ground forces--the whole time during all the engagements had been like basically hold up building 26 and on the walls to the Southwest of building 26. Just ready to start moving, they had regrouped, they had the commandos ready and everybody was sitting ready to go. And now we'd asked for sensor scans of the area and Slasher went-- again identified the individuals moving back to the target area. So then we had individuals that had moved from building one, two, and three to the Northwest to buildings like seven, eight, and nine. He then identified them moving back to the target area and they were like taking stuff out of the building there--there could be seen from him going in and out of the building. So we-- again had to hold our ground force, told them hold, I cleared Slasher to engaged them, they fled to buildings seven, eight, and nine and the--he was cleared to engaged them at those buildings as well, actually reengage those buildings. And a--following that engagement that was the last engagement that we had--final sensor sweep for both guys platforms. We didn't get any activity; we gave the okay for the ground force to move out and they a--split basically one headed to the Northeast and one directly North to the objective area. Slasher did identify as our ground force had occupy building two and was moving to building one. I believe it was building four just to the Northeast. It's only like 20 meters, maybe 15 meters away. That's actually on this map it's misleading. It looks like it's a decent distance, it's right there like--it's very, very close. That's not very far away at all. And the--he'd identified individuals moving around building four and the--I talked to the element leader that had moved into building two and he requested fires on them. I talked to Slasher 02, determined that was just too close. All the had left at that point was ten (b)(3) 50 rounds and all he can do was do like--like a containment fire to the North. So we held them off on that and basically the ground force just pushed into building four. They found some individuals and weapons there--the weapons were abandoned outside courtyard and the individuals had moved into the house, they were just in there. But after that--that was the last engagement. The ground force continued to engage a few--when they made entry a few different locations but a--that was mostly just they moved into one building and one guy still be there with a gun, they'd engage him, that was--that was it. But a---

Q31 ((b)(3)130b, (b)(6)) There was small engagements after Slasher came off?

A31 (WITNESS): Yes, there was no more CAS engagement after that though. After the initial sweep, initial clear of all buildings, all engagements ceased at that point. We didn't have any

further engagement and we'd be in doing CCE and just basically going through, trying to do a search of all the areas. Primarily the objective area, but----

Q32 (b)(3)130b, (b)(6): With regard to the houses, you said you engaged seven, eight, and nine; one, two, three, and four.

A32 (WITNESS): Is this where the a--is there where the one with the actual numbers on it?

Q33 (b)(3)130b, (b)(6): Yeah, it is--do--and this may be a better question for the guys who actually engaged in them, but if you can remember, where there any other houses that you had them chase?

A33 (WITNESS): Yeah, it was basically one, two, and three, and then the building due Northeast of it--four, six, seven, this unnamed building here. They would--there actually was lot of activity in this building was reengaged. It appeared as----

Q34 (b)(3)130b, (b)(6): Seven and six?

A34 (WITNESS):----it's kind of a blur, yeah, not it's in between four and six. Is this long skinny building, it's unnamed. Eight and nine, then it was also, building 39, and 36 and 37. In addition to the--the drop on, building 35, actually it was 35, not 31. I said earlier it was 31, it was 35.

Q35 (b)(3)130b, (b)(6): It was 35, okay. I think you're right.

A35 (WITNESS): Yes, (b)(3) 50 USC 354(i)

Q36 (b)(3)130b, (b)(6): With those buildings and most cases were those the ones where the was--the CAS was basically chasing them into the building?

A36 (WITNESS): That was--that was----

Q37 (b)(3)130b, (b)(6): And dropping rounds on the building?

A37 (WITNESS): Yes, that was--that was where the initial, the burst of personnel from the alleyway and then the engagement in the alleyway and from the buildings themselves they fled basically down this avenue to buildings seven, six, four six seven, eight and nine. And or they came out the main avenue. And then hit small alleyway and spread out through 39, 36, 37, 35. It did--like I said they tried to push even further, but when Slasher was engaging them when--this open area I think that prevented them from moving any further to the Northeast and the--they moved back into building 35.

Q38 (b)(3)130b, (b)(6): And roughly if you know, about how many (b)(3) 50 USC 354(i) rounds did it take drop, drop either buildings or rooms, if you remember?

A38 (WITNESS): I can't say really. I know I got on the radio a couple times, it seemed-- like to asked Slasher if he was still engaging the original target, if they had moved and a--he was telling me that he still--was engaging the target, he still had activity so he was engaging the target I'm not sure if there coming out of the building and he was engaging them and then they'd go back in, they'd engage but can't really tell how many rounds he actually shot at the building.

(b)(3)130b, (b)(6) : Okay.

Q39 (b)(3)130b, (b)(6) What effects were you asking Slasher to produce? And when you were engaging you know, was this destroyed?

A39 (WITNESS): This was destroyed it was--if they fled into the building, we were asking him to basically drop the building.

Q40 (b)(3)130b, (b)(6) Did you wait for you know people running in the building, run off target--main--main objective buildings one, two, and three. They'd run off and they'd occupy another building, did you wait to take fire from that building or see guys go up on a roof and start hostile act, hostile intent or by people running into that building, that building was now set for destruction fires?

A40 (WITNESS): That's--that's the way we saw it. We classified those individuals moving as having hostile intent--already--by a--they had already demonstrated hostile acts when they were on the objective and a--we considered them combatants as they moved into those buildings.

Q41 (b)(3)130b, (b)(6) Did you consider civilians, I mean, we know the enemy uses you know they'd fight the roof tops with their families are all inside. But the people coming off--off that objective after receiving fire were just civilians trying to get out of the impact area you know the beating zone?

A41 (WITNESS): We were depending on the sensor platform to actually give us good Intel. They did during the course of their scan in the areas they did identified individual that would like come out of their house and just stand there. And I'd say, okay, what are they doing on there-- just standing in the middle looking around----

Q42 (b)(3)130b, (b)(6) Looking around.

A42 (WITNESS): And be like okay, don't engage them and a--in addition, they identified (b)(1)1.4c, (b)(3) 50 USC 3024(i) The sensor platform at least Slasher, specially I know they have a pretty good set up and he could up to date--reported me several times that the--they'd identify what they call (b)(3) 50 USC 3024(i) And that's basically (b)(3) 50 USC 3024(i) If they identify (b)(1)1.4c, (b)(3) 50 USC 3024(i) and say, "Okay, we will leave them alone." That mostly happened down here to the-- the Western portion of the town. They'd--they'd see the activity down there, they'd report it. We'd be like, "Okay, we'd leave them alone." It was these guys up here that the--I believe I put it in my statement; it was a-- speed and direction movement, number of personnel, where they had been tracked from. It's a--

tracking a new target from the middle of nowhere--not having an idea where it came from, was something different than tracking individuals moving running to building four, three individuals, then those three individuals from building four ran to building number eight. So we were considering that--that there was groups of people as combatants continuously.

Q43 (INVESTIGATING OFFICER): So you didn't drop the guidance to destroy buildings unless you had as you said a concentration of enemy combatants. When it was individuals that went into a building then it was what?

A43 (WITNESS): Then it was "hold." Actually that was building number 35 before the two other individuals had joined that single individual. Slasher identified that single individual and I just told him keep an eye on him, just one. And he was like, "Just one." And then I was talking to (b)(3)130b, (b)(6) over the radio when Slasher came on my other radio and reporter me, okay, just been joined by two, it looks like they're talking and pointing another, they are moving all together running back to building 35 and that's when--when we determined that three--three organized and they were regrouping was enough to engage that building.

Q44 (INVESTIGATING OFFICER): So I'm clear, two or less was "hold," three or more was destroy?

A44 (WITNESS): I'd say one was "hold."

Q45 (INVESTIGATING OFFICER): One was "hold."

A45 (WITNESS): Two or more would probably been "destroy."

Q46 (INVESTIGATING OFFICER): So in your estimation, from the time the gunship, you clear the gunship to engage the one, two, three areas until hostility ceased. It allowed the main force to exit building 26 and split and conduct their SSE portions, clear all the buildings. How much time was all that?

A46 (WITNESS): Was--I'd say, hour forty-five minutes to two hours.

Q47 (INVESTIGATING OFFICER): So, was direct--was any attempt for the ground force in around 26 to advance and then that activity stopped----

A47 (WITNESS): No, there was no movement, there was no like feint's or movements from 26. After every engagement from the CAS platform basically was only Slasher 02 at that point. After every engagement we'd ask both CAS platforms to give us a sensor scan of the objective area and the targets that had been engaged or where they had tracked personnel to. Every single time we--were poised and ready to move out. That's when they began moving again, they'd be either fleeing further away or they'd be trying to come back----

Q48 ((b)(3)130b, (b)(6)) They weren't shooting?

A48 (WITNESS): They--occasionally I can't identify which engagements they actually fired from but they were I believe several of times the personnel that moved up this alley, they did reengage us on building 26. We did receive fire from--we never identified where those-- personnel, I don't think we ever got those personnel that were engaging us from the--from the Northwest and Southwest. During engagement we got some more fires from those directions and some of the engagements we got fire, some of them we didn't. But it was all of those personnel that engaged that we'd tracked.

Q49 (b)(3)130b, (b)(6) How much fire did you take on building 26?

A49 (WITNESS): I think we took--took a few bursts from the personnel that were here. And we also took some fire back from the direction of the main objective but we also took fire from the West a couple of times.

Q50 (b)(3)130b, (b)(6) Was it effective fire?

A50 (WITNESS): It was not effective fire, it was basically----

(b)(3)130b, (b)(6) Round in your vicinity?

WITNESS:---automatic fires, automatic fires spraying sporadically.

Q51 (b)(3)130b, (b)(6) Was there any attempt to so called "round" or "envelop" from a different direction other than from the original--

A51 (WITNESS): I know that wasn't--we didn't move basically from our consolidated position, simply to because of Slasher 'cause Slasher like I said originally asked for us to consolidate and he didn't even want us to move to envelop because he didn't want to be worried about any friendly forces wandering into his engagement area.

Q52 (b)(3)130b, (b)(6) : So, would it be correct to say that you guys moved into a position, solidified and then didn't take any real movements to engage on foot, but used the CAS platform instead to engage those targets that--or opportunity?

A52 (WITNESS): Yes, basically that's what we did. And that was myself talking to (b)(3)130b, (b)(6) and they didn't--like I said they just thought that the threat to ground personnel moving into--at the area with personnel still moving around basically if they moved in there they'd have personnel on all sides of them and we weren't sure if they neutralized at that point or not. And they were still active, they didn't want to do that so we just consolidated there, let Slasher do his work for the engagements that he did. And--it was--it was I mean on building 26 it was kind of a--we couldn't believe that they were still fighting there, they were still shooting after the amount of hardware that was being dropped on them that we do that sensor scan and then they moved again or they shoot again and be like I can't--couldn't like--the

biggest example of that is that at that time right before building 35 we dropped a 500 pound on them it was because had just engaged that entire area with (b)(3) 50 USC 3024(i) and 40MM and it was like that should of suppressed everything but they--still fired back at us. Couldn't believe that they were doing that but we--every time they did it, we answered it with another CAS engagement.

Q53 (INVESTIGATING OFFICER): What was your reaction to when you personally answer it, what was your reaction to the hour forty-five delay about how as you said, how long is this going to take before I'm able to move on the objective?

A53 (WITNESS): We were aware that the--that that was an hour forty-five minute delay. And we were-- I was discussing that with (b)(3)130b, (b)(6) Every time we did--like I said every time we did the pause after an engagement and obscuration of the area will depart and we'd ask for the sensor scan. We'd like this, "This is got to be it, this is gotta be the one." And then we get another engagement. We were aware that this is like--like, "I can't believe these guys are still doing us, this is taking a long time" but the--like I said that the--we identified those individuals as combatants and we're a--the CAS platforms with their sensors were identifying them as-- (b)(1)1.4c, (b)(3) 50 USC 3024(i) basically--that had come from the objective, moving on those areas so. As far as my reaction I was just a--I really thought these guys wanted to fight and that--that led us to the--to the consideration that the--okay, if we do just stopped the CAS engagement and let's move and make entry on these buildings, these guys--these guys are ready to fight, they don't care that we have--obviously we have CAS platforms obviously, have better fire power than them but they still want to fight so. If they did go into a building we had make entry with them. They are going to fight tooth and nail or basically fight like they're back in the corner so. That was the consideration that we realized.

Q55 (INVESTIGATING OFFICER): From the time you cleared again the gunship into the one, two, three area and then the squitters all as you said went various Eastern locations. What was your rough, if you could recall either now or then, what was the--what--what number where you looking for with regard to--you said anticipated 20 to 30 bad guys. From what you saw versus what you were seeing, what was your mental total?

A55 (WITNESS): It was--I had a mental total of 20 to 25 I'd say just because I didn't have the perfect math of it because the engagement that Slasher was doing like--we knew that we were being fired at from three directions, we knew there was a least four or five personnel on out the building itself--large group of individuals in buildings one--or one, two, and three and the courtyard. And the--he engaged the personnel on the roof which I assumed at the first (b)(3) 50 USC 3024(i) probably wiped them out and the personnel in the courtyard. But yet, we still had that huge group of 13 individuals that they kind of moved so I was just doing the mental math, it was like--there had to be at least 25 maybe 25-30.

Q56 ((b)(3)130b, (b)(6)) Those 13 that moved out, that was the 30 meter engagement where they--they destroyed?

A56 (WITNESS): Eventually I think they were destroyed. I don't think they were destroyed with that initial engagement. He didn't get a--rounds down quick enough to like had one (b)(3) 50 USC 3024(i) right in the middle of all and destroying all the--they were--they were the initial ones that really scattered and went to the East.

Q57 (b)(3)130b, (b)(6) But during your mission planning, what was the--what was the civilian population situation?

A57 (WITNESS): Azizabad's just a typical of that area--it's--buildings could be dense but a lot of them were sparsely occupied. The a--the a--what do you call it? The a--there's like a Bazaar area that's--goes along the road slightly to the Northwest of that area. But those are just shops and they're really vacant that night.

Q58 (b)(3)130b, (b)(6) But it's an occupied city?

A58 (WITNESS): It is. It's not a huge population, it's typical of the Shindand area, relatively small when you drive through it on Highway 1 you get through it and less than a minute, 30-40 seconds

Q59 (b)(3)130b, (b)(6) What the--all right what--what--what law of war rules of engagement training did you get? Anything specific as a (b)(1)1.4? Before deployment?

A59 (WITNESS): Yes, I did, I did have an in brief with a--the CJSOFT, by TSCP. And a--basically it's the same thing as a--the--at whatever everybody's else gets, it's just CAS specific such a--what's the word I'm looking for? Like a equality or----

Q60 (b)(3)130b, (b)(6) Proportionality?

A60 (WITNESS): Proportionality, that's what I was looking for.

Q61 (b)(3)130b, (b)(6) Well what about--the first is necessity and a--you know we're going into this--the necessity to--to a--drop ordinance on--on an objective or on a building or on a target. And I think if--buildings one, two, and three were either the bulk of fires emanating from, got it. Proportionality is you know, how much is enough? I mean if I got a one AK shooting at me, do I put a 500 pounder in it that may have civilians is the other issue. And then how discriminating are your fires. If you--if it's a build up area with civilians you have to be pretty discriminating in the use of fires. So what I need to--to--to drill down into, were you comfortable through all those engagement and this was an hour and forty-five almost two hour long engagement that those three criteria were met at every step of the way, with every engagement. Initially up here, I mean you guys were almost short end of the stick, you tried of--you lost momentum, you had wounded, you did not have fire superiority, tried to gain it through small arms, were unable to do so, pulled back and engaged, 13 maneuvered on you, you engaged. And after that and you had people exiting the target area you know, running into other houses. Because those people went

into a house, was--was the necessity there to destroy that house, was it proportional and did you discriminate between civilians and [inaudible] and occupied city.

A61 (WITNESS): I believe we did. I think that the--those individuals that like I said--we--we evaluated every engagement and determine that those individuals were--they were looking for a fight and they weren't going anywhere. Again the danger the ground force, if they had to make entry, which they did to every--every building that we--engaged----

Q62 (b)(3)130b, (b)(6): How many--right, how many building--how many building were you planning on gaining training into?

A62 (WITNESS): We were only planning on gaining one, two, and three and--we also had a--basically be prepared to or if we had time for it, suspected IED maker up in the--the teams series of----

Q63 (b)(3)130b, (b)(6): Fifteen?

A63 (WITNESS): Ended up being actually 15 but we didn't know that it was going to be 15.

Q64 (b)(3)130b, (b)(6): So you weren't there to clear Azizabad?

A64 (WITNESS): We were not there to clear Azizabad. We would of--situation dependent if we would of cleared--done the initial clear quickly we would of spread out to the--the 50 series and then this four, five, six, seven but----

Q65 (b)(3)130b, (b)(6): Back to the question of necessity. This is your objective, buildings one, two, and three. Those are the buildings you're gonna go clear. That--that is your mission and that's where you're receiving fire from, got it. The remaining buildings where people move from point A to point B and the fact that you're a military age male running. Is that what you're using as your threshold for hostile intent, hostile act?

A65 (WITNESS): We're using not just that they are military age men moving, the fact that hey left and engagement zone. We asked the--Slasher to continuously--to identify weapons. He was unable to do it. I mean it's hard to tell from the sensors scans. But a--if he identify the individuals coming from the engagement areas and then moving and he tracked them continuously which he did for the targets that--we did consider them continuous combatants during the engagement. It wasn't like we lost them and then reengagement.

Q66 (b)(3)130b, (b)(6): But again, moving into another--another part of the city, another part of the house that initially I mean you had not received from I mean is it not reasonable that there was going to be a family sleeping in there that these guys go and occupy. And again you go back to necessity. If I'm not going to clear them in the buildings and I got sensor scan and I'll know if they're moving, I'll know if I take fire.

A66 (WITNESS): We--it's kind of hard to lock them down that way with just sensor scan. That would really look like a single a CAS platform or a CAS platform on single building. And like I said we had the spread out so far that it was hard for them to do that. But the--Azizabad is what I said typical of buildings of the Shindand area or towns in the Shindand area. A lot of these buildings are end up being vacant. It's not--it's not crowded, real tight everywhere else. Some of these buildings--a family may sleep in building 27 and building 33, 30, and 29 are like animals or storage and--. A lot of the buildings wind up being--not be used by anybody and it's available for any a--squatter basically who moves into town, says I need a building, there's one open over there and they can squat. So a lot of these of buildings will not be fully occupied by families. You can tell by the ones in general that are occupied because they'd be the nicer ones, they'd have a garden, something active outside----

Q67 (b)(3)130b, (b)(6) But that wasn't part of the PID.

A67 (WITNESS): That wasn't part of the PID at that time but that's just the typical--the way the typical community is set up out there. We determined like I said for each of those engagements that those individuals were worth engaging in those buildings before we continued to push on the objective. And a--collateral damage considerations were taking in. But Slasher's fires were very accurate, only like 30 meters in front of us; it was very close and very accurate. And we didn't any injuries from collateral damage or from his fires. So----

Q68 (b)(3)130b, (b)(6) : But he was dropping houses, correct? 'Cause you----

A68 (WITNESS): He was--he was--if he--if he requested permission to engage a building and then I gave me permission engage, he would continuously engage in that until it was--the building was basically destroyed.

Q69 (b)(3)130b, (b)(6) What intelligence did you get briefed on with regard to--you got told it was Shura?

A69 (WITNESS): Shura is the word that you had--we were told.

Q70 (b)(3)130b, (b)(6) Where you told about any sort of celebration or people--people were bringing their families in or some sort of celebration of the person who had died. Were you given any sort of briefing on that?

A70 (WITNESS): No, we didn't have information that there was any----

Q71 (b)(3)130b, (b)(6) Did you know any of that?

A71 (WITNESS): No, we did not.

Q72 (b)(3)130b, (b)(6) So just--just a Taliban Shura is all you were briefed on?

A72 (WITNESS): Our--our brief that those--just the Taliban Shura but they were going to be in the area.

Q73 (b)(3)130b, (b)(6) So potentially how do you make combatants and objectives one, two, and three?

(b)(3)130b, (b)(6) Timor, Timor was the guy they were recognizing, had been killed 9 months prior tribal. And a tribal thing a--'cause there were two things going on that night. There was the Taliban Shura, that was collocated, coexecuted with a memorial service or recognition service. And your J2--they seemed to know that. That wasn't passed on to you?

A73 (WITNESS): I was not aware of that no, sorry.

Q74 (b)(3)130b, (b)(6) Say the a--the target house is as it appears from the Intel was the same place where families were gathering for a big feast the next--the next morning.

Q75 (INVESTIGATIVE OFFICER): Potentially.

A75 (WITNESS): Potentially, yeah.

Q76 (INVESTIGATIVE OFFICER): You guys weren't briefed on that?

A76 (WITNESS): No, the next--the next day when we were on the ground we didn't--there was not a lot of families in the area. The families that were--they pulled a family out of building 26 and 25. There was a family in building 51. There was a few women and children who were left and building 36, 37, and 35 area but there as no a lot of personnel. We pulled a lot of--of males that were coming from--the outside area into the area, everybody that was basically detained. And the--but there was not--there was like--I've seen the news obviously of what they said about the memorial service but there was not a ton of people there like----

Q77 (b)(3)130b, (b)(6) You didn't see it as--when you did the SSE?

A77 (WITNESS): Yes, there was----

(b)(3)130b, (b)(6) : And I guess we got get into the SSE next--unless sir?

Q78 (INVESTIGATING OFFICER): No, I'll just--I was going to there--the only--the only question I'd ask before we talk about that is, is that based upon the ground force more less massing in 26 and the blocking positions started off, but the entire Ops was how many folks? Including the commandos, you guys and the (b)(6) ?

A78 (WITNESS): It was approximately 50.

Q79 (INVESTIGATIVE OFFICER): 50?

A79 (WITNESS): Yes.

Q80 (INVESTIGATIVE OFFICER): Okay and how many folks were around 26?

A80 (WITNESS): Once we strong pointed it--we had as many as many we wanted and then we a--pulled out as--to basically just a force of ten, myself, (b)(3)130b, (b)(6), a few commandos that we left on--pulling security at the entry ways, (b)(3)130b, (b)(6) so it was approximately ten individuals.

Q81 (INVESTIGATIVE OFFICER): So out of 50 ten stayed there and basically then 40 complete--began the SSE.

A81 (WITNESS): Oh no, the SSE was not started when we were in building 26. We had occupied the objective building before SSE had started. That was just basically the headquarters element at the main effort on building 26. Then it was the ground forces that were going to split and go to the--make the "Y" basically--that were split up the rest of the 40 individuals. We be split up between those two elements and also personnel left in the vehicles that were doing the containment.

Q82 (b)(3)130b, (b)(6) What kind of building was 26, do you know?

A82 (WITNESS): It was just a regular family--it was just a house.

Q83 (b)(3)130b, (b)(6) Just a house? Did it have poles? You know like supporting poles?

A83 (WITNESS): No.

Q84 (INVESTIGATING OFFICER): You don't remember poles specifically?

A84 (WITNESS): Not in building 26.

(b)(3)130b, (b)(6) Okay.

Q85 (b)(3)130b, (b)(6) Okay, SSE.

A85 (WITNESS): Ah SSE--I stayed on buildings one and three basically for the entire SSE period. We moved up to the roof to get a better advantage point. We basically just moved our headquarters from 26 to the roof of building number one. And a--up there, on the way up there I saw the bodies in the courtyard with chest rigs and--it was--exploded weapons laying around, ammunition, shell casing. We got up to the roof, it was the same thing. We saw the a--two to three bodies that were up there, that were still there that the--still had chest rigs. There was more weapons that there was bodies up there. So we figured some of the bodies in the courtyard were probably blown off the roof from Slasher's fires. But a--I just stayed up there for the greatest

portion of the SSE and listen to the radio transmission. We still has Spad 01, Slasher checked off just before sunrise and we still had Spad continuously doing sensor scan. We then later got a (b)(1)1.4a on station in addition to Spad. But a--from building number one when we began to pull out--it took--SSE took long than we expected and it was taking a lot time for them to get to the SSE guys with the cameras around all the areas in the village. That's--we had the--pictures of eight bodies I believe but there was actually more bodies with chest rigs that we just never got the camera guys out to --they were up like the one up in 35 and that areas. But a---

Q86 (b)(3)130b, (b)(6) Did anyone walk around and take an accounting for all the different bodies?

A86 (WITNESS): No, we didn't--well they did for the a--the ones that they took pictures for they can verify but a--there was a lot other, like weapons, we had more lying around scattered about than we had bodies. Didn't know where the body was that that weapon belong to or it could have been that they abandoned the weapon and then we engaged them in a building and they could be covered by rubble or we didn't --basically Slasher reported to us after they reviewed their tapes or a--or talked to their personnel that a--they estimated 30 enemy EKIA that they engaged so.

Q87 (b)(3)130b, (b)(6) You said tapes, I'm sorry? Were they able to review their tapes?

A87 (WITNESS): Ah not--not--I don't think they instantly reviewed but the--before they even checked off station then--we asked for BDA and they gave us after a brief pause they gave us an estimate of 30 EKIA.

Q88 (b)(3)130b, (b)(6) BDA estimate?

A88 (WITNESS): Mhm. And the--as far--for the rest of the SSE, I'm sure you know there was already--there was a lot of SSE in building number one, there was a lot of ammunition stored, instruction manuals. Individuals that swept the Northeast, they found the cache building in number 15 which also building 15, 14, and 16 were basically destroyed by that controlled det but that was--that was due to the amount of ordinance that found inside of the building. It was just a small charge of C4 but it completely obliterated the building. And then the next two building. That wasn't from fires from Slasher or anything, that was explosives that they had stored in those buildings. All of our SSE recoveries were basically from building one, two, and three and a few scattered weapons and weapon pieces from the other areas. Like I said, everything up in building 15 was destroyed.

Q89 (INVESTIGATING OFFICER): Here again, the primary contents of 15 was what?

A89 (WITNESS): It was mines, anti tank mines and I believe RPG rockets. But our EOD representative would be able to tell you more about that 'cause he took care of that in a controlled detonation.

Q90 (INVESTIGATING OFFICER): Because--confirm for me, during the SSE, you took--you took away land mines and some RPGs.

A90 (WITNESS): I believe he took some of the stuff that he had inert'd on scene and then he left the rest of it there to be destroyed.

Q91 ((b)(3)130b, (b)(6)) How many mines were--were on target there?

A91 (WITNESS): I can't--I can't say----

Q92 ((b)(3)130b, (b)(6)) But it was significant enough that they blew them in place?

A92 (WITNESS): Yeah, they couldn't transport them.

Q93 (INVESTIGATING OFFICER): So it was really SSE plus and estimate in term of--what we can confirm with the--the a--your--your EOD rep. SSE with the weapons that you brought back for the media and everybody to look at plus building 15's contents.

A93 (WITNESS): Yes, and the--the--for SSE the BDA also from Slasher. But the--basically added us up to the 25 to 30.

Q94 ((b)(3)130b, (b)(6)) What did you do with the weapons that had been destroyed or were in pieces?

A94 (WITNESS): They took them back to the--FOB Thomas and that--some of the pieces were left there if they were basically neutralized, unusable and some of the pieces were brought for the SSE collection.

Q95 ((b)(3)130b, (b)(6)) Those were the ones that were taken pictures put the stuff that was essentially in parts, you just left them on the ground?

A95 (WITNESS): Yeah, we just left them on the ground if it was neutralized.

Q96 (INVESTIGATING OFFICER): How many injured were you aware of on the target?

A96 (WITNESS): The only individual or injured that we found was two females that were found in the rubble basically the wall between building one and two. And it was a young girl and I'd say a late teens to early twenties female that was injured. And the--they treated them on sight and we took them to Fire Base Thomas, conducted a MED EVAC with the--the Spanish hospital from Harat. But the--they were the only individuals that we identified even all the PUCs and everyone else that we had pulled from the objective area and they surrounded the objective area and none of them were injured. There was no like fragmentation injuries, not a lot of anything. Like I said the--the fires were very accurate 'cause the (b)(6) team's sergeant had found some women and children in the vicinity of building 35, just behind it there's like a--I

guess maybe these small squares here that their like huts up in that area. And he found some women and children up there, I'm not sure exactly how many, but the---they were--they were covered in dust but they were all okay--they're--they weren't bleeding out there eardrums or anything they were all perfectly okay, no cuts or anything like that.

Q97 (b)(3)130b, (b)(6) With buildings I think you mentioned about 14 buildings, 35, 6, 7, 8, and 9, 1 through 4, the unmarked building between 4 and 6, 36, 37, 39. Essentially those were leveled?

A97 (WITNESS): No they weren't, 35 was leveled because of the (b)(1)1.4a 39 was engaged and there was a--as far as I can recall was like a running engagement through 36 and 37. They weren't completely leveled.

Q98 (INVESTIGATING OFFICER): How many buildings did the gunship in essence engage? You gave your permission to destroy.

A98 (WITNESS): I'd say nine or ten that I actually told them to engage.

Q99 (INVESTIGATING OFFICER): Okay, nine or ten and then the--the (b)(1)1.4a added----

A99 (WITNESS): The (b)(1)1.4a added on building 35, yeah.

INVESTIGATING OFFICER: Okay.

Q100 (b)(3)130b, (b)(6) : Okay--and so how much rubble was there? With those nine or ten plus the--the 35?

A100 (WITNESS): Building one, two and three were pretty well--I mean they were still standing like we could go to the roof of building one even though it was--there was holes and a--it was on the inside it caved in a lot of places but the buildings are still standing so. They were pretty much. They looked pretty bad they're--they're rubblelized but they're still standing there. The smaller building like that unnamed building between buildings four and six, I think it was down to maybe a quarter of the building left standing and the--that was of--basically it's solid mud structure it felt apart a little easier. Six, seven, four damaged, eight, nine damaged, like I said building 15 was completely gone and 16 and 14 were the sides that were facing the detonation were damaged. There was a lot of rubble and a lot a damage in the buildings that were engaged but a lot of them were still standing.

Q101 (b)(3)130b, (b)(6) Like the walls--

A101 (WITNESS): The walls still standing. Like--like building number one was heavily engaged they poured a lot of fire into that but it was still--the walls--it had compound surrounding and a lot of those walls were destroyed, caved in so you can now move across the wall without having to around to the gate or anything. And the building itself was--you were still

able to get to the roof, still had the latter intact but the--it had holes in the roof and holes on the side of the building.

Q102 (b)(3)130b, (b)(6) For--let me just give you visual. For the buildings that were reduced to rubble, was rubble up to here kind of thing? Or here? Or--if you recall.

A102 (WITNESS): I'd say it was at least--at least chest high.

Q103 (b)(3)130b, (b)(6) Chest high----

A103 (WITNESS): There'd be buildings -- the walls--some--some the remnants to there was nothing else--like flat--like to dust, it was everything had a wall or a corner or something that was still intact.

Q104 (b)(3)130b, (b)(6) Conceivable that folks were buried under there -- and you all couldn't see them in your SSE?

A104 (WITNESS): No, we couldn't----

Q105 (b)(3)130b, (b)(6) But conceivable folks were under there? That you could not see? Whole lot of rubble.

A105 (WITNESS): Yeah there was in the building one, two, and three, there was like they've see like an arm or a leg sticking out. But then there was areas where the rubble was----

Q106 (b)(3)130b, (b)(6) Did they did those people out? Or if it was just an arm or a leg sticking out or they'd just leave it?

A106 (WITNESS): I'm pretty sure they just left it. They'd check to see if--if they were alive, if they weren't alive they just leave it.

Q106 (b)(3)130b, (b)(6) They get rolled up into the casualty count?

A106 (WITNESS): Yes, they should have. There was a lot of ----

Q107 (b)(3)130b, (b)(6) Pieces, parts?

A107 (WITNESS): Yeah, pieces parts, different areas that we can tell that Slasher had to go effect on the targets he was engaging but a--at that point unidentifiable.

Q108 (INVESTIGATING OFFICER): When you said "a lot" any estimate to what the means?

A108 (WITNESS): Not, just from building one, two, and three I'm talking--'cause I was there and obviously there were concentrated there but the--not really sir, I can't really give an estimate because it was such a small area that there was I mean, could have been one person that was blown to pieces and that was all him all over the place but the there was--there was blood and blood splatter on the walls and stuff like that from the engagement. But around the rest of the village----

(b)(3)130b, (b)(6) Sir, sticking with the timeline, we're sitting next door.

INVESTIGATING OFFICER: Are they ready to go? You ready to go? Okay.

Q109 (b)(3)130b, (b)(6) I got the--I got one more quick line question and a--talk to me about pre-deployment training. What the--what PTP did you all go through before--before deploying over here?

A109 (WITNESS): We went through the SOF work up basically which includes----

Q110 (b)(3)130b, (b)(6) Individual training and then collective training?

A110 (WITNESS): Yes.

Q111 (b)(3)130b, (b)(6) Mission reversal exercise?

A111 (WITNESS): There was this called (b)(3) 50 USC 3024(i) we did it in Fort Polk Louisiana. The whole company did it, ISAE unit to be evaluated by a----

Q112 (b)(3)130b, (b)(6) What's it called (b)(3) 50 USC 3024(i)?

A112 (WITNESS): Yes, (b)(3) 50 USC 3024(i)

Q113 (b)(3)130b, (b)(6) What does that stand for?

A113 (WITNESS): Can't remember what the D stands for----

Q114 (b)(3)130b, (b)(6) [Inaudible]?

A114 (WITNESS): Yeah, something like that. And the--

Q115 (b)(3)130b, (b)(6) In that did they--did you have, I know you got ROE briefed, did you have ROE vignette training?

A115 (WITNESS): We had specific ROE training once we came in the county like a--it's part of the----

Q116 (b)(3)130b, (b)(6) What that consist of?

A116 (WITNESS): Consisted of at the time of it was (b)(6) it was in country and we were in KAF, their JAG sat everybody down, they had to attend the brief, they had a little roster of names that they had to attend, he went through the whole rules of engagement brief because a lot of land warfare and anybody that wasn't there for the brief at the time had to make it up I think at a later time but we had that training initially and then a--I had to do that additionally for the--because I became the ASG Commander at FOB Shindand, I had basically had to give the same brief to----

Q117 (b)(3)130b, (b)(6) ASG?

A117 (WITNESS): Afghan Security Guards. So I had to give the same brief to the--our guards.

Q118 (b)(3)130b, (b)(6) Did you do any vignette training?

A118 (WITNESS): [No response.]

(b)(3)130b, (b)(6) vignette is----

(b)(3)130b, (b)(6) Examples

(b)(3)130b, (b)(6) Kind of a--examples. Now when you're--you're faced with----

WITNESS: Yes, that was----

(b)(3)130b, (b)(6) situation.

WITNESS:----in those briefs that were--there was a--basically scenarios, were like a--scenarios----

Q119 (b)(3)130b, (b)(6) scenario driven

A119 (WITNESS): Yeah.

Q120 (b)(3)130b, (b)(6) Any scenarios that you had to physically exercise on the ground as part of your training exercise? Or specific ROE training but it's--it's done and your full kitted with role players, etcetera?

[There were individuals speaking and making excessive noise in the background making it difficult to understand the witness.]

A120 (WITNESS): Stateside we did have a--some of that training, but a specifically like a--shoot, no shoot mostly. It's mostly for a--off a smaller scale not--not using CAS, it was a shoot, no shoot. You make entry into this building there'd be some unknown.

Q121 ((b)(3)130b, (b)(6)) So there's no supporting no arms scenario that guide you through the necessity discrimination, proportionality.

A121 (WITNESS): That was almost all given through given through classes. Our air officer, Captain Lotton who was killed in this deployment, he was very good on that. He always stressed proportionality and that the ((b)(1)1.4a) is the basically the voice of sanity on the ground even if a-- even if he's being asked to do something a little crazy but a--. During this engagement or this operation, talking with ((b)(3)130b, (b)(6)) I agree with everything that the--we talked about with them, I don't think anything was over the limit or I didn't--I didn't have to advise against anything.

Q122 ((b)(3)130b, (b)(6)) But there was no--the training that the--what was the ((b)(6)) name again?

A122 (WITNESS): The Marine ((b)(6)) ?

Q123 ((b)(3)130b, (b)(6)) Yeah.

A123 (WITNESS): ((b)(3)130b, (b)(6))

Q124 ((b)(3)130b, (b)(6)) No, no, no, the--you lost the Air officer?

A124 (WITNESS): Captain Lotton.

Q125 ((b)(3)130b, (b)(6)) Lotton?

A125 (WITNESS): Garret Lotton, call sign "Tubes."

Q126 ((b)(3)130b, (b)(6)) How did you lose him?

A126 (WITNESS): He hit and IED at Zerico Valley during this summer.

Q127 ((b)(3)130b, (b)(6)) What--what did--what did he trained you on to?

A127 (WITNESS): He--like a--for standard he actually brought me a lot of additional training for a--to be a ((b)(1)1.4a) We did a lot extra trips around the Unites States to like a control--controlling CAS----

Q128 ((b)(3)130b, (b)(6)) Exercises

A128 (WITNESS): Yeah, and the--I don't really remember all the--what the operations were called but it was--he had a lot friends that he knew basically and he could arrange for a----

Q129 ((b)(3)130b, (b)(6)) But there was nothing formal and I see a lot of great mentoring, but there's nothing formal on the application of joint fires with regards to Law of Armed Conflict Rules of Engagement.

A129 (WITNESS): It's--it's all rolled basically into the same Rules of Engagement or Law of Armed Conflict that everybody gets--it's considered to be----

Q130 ((b)(3)130b, (b)(6)) You said through the brief that JAG talks to you, they stamp your forehead, LOAC complete.

A130 (WITNESS): More or less.

((b)(3)130b, (b)(6)) Okay, all right, great, that's good information. You know all of this--we learn you know the hard way and a--in Iraq with escalation force because it was all new and it wasn't until we took this stuff and build it, shoot, don't shoot you know, how we apply CAS in urban settings into our pre-deployment training that started make an effect downrange. And what we found was that the JAG brief while important is only scratching the surface.

((b)(3)130b, (b)(6)) Just a piece, it's a small piece

((b)(3)130b, (b)(6)) It's a small piece and until you get guys and you put them in these you know, these scenarios and you know in the batting cages if you will, the ROE batting cage you know it the--they're not really setting guys up for success----

Q131 ((b)(3)130b, (b)(6)) may have already asked you this, have you been a ((b)(1)1.4a) before or was this your first?

A131 (WITNESS): This is my first combat deployment as a ((b)(1)1.4a) I've ((b)(1)1.4a) for about a year during the workup. And then----

Q132 ((b)(3)130b, (b)(6)) How many times have you worked with a-- ((b)(1)1.4a) before this?

A132 (WITNESS): We had them for probably five other missions.

Q133 ((b)(3)130b, (b)(6)) How many--all mission did they--mortars come out the aircraft?

A133 (WITNESS): No, not all--we had--we had several missions when had no ordinance--just dry holes or a--they just do sensor scans and----

Q134 ((b)(3)130b, (b)(6)) Did you work with this particular crew before?

A134 (WITNESS): Slasher 02 we did have--I think at least twice before. I'm not sure if it's the same crew or if they've rotated----

Q135 ((b)(3)130b, (b)(6)) Same call sign?

A135 (WITNESS): Yeah it was the same call sign.

Q136 ((b)(3)130b, (b)(6)) Well what were those engagements? Were those dry hole of did they--

A136 (WITNESS): No there was a--those were pretty engagement that I had with Slasher--I PIDd somebody putting an IED in the middle of--our route, they engaged it, got secondaries off the ID, killed the individuals that were there. They also--we had some other time sensitive targets that they identified over watch position that was a--maneuvering on us. They engaged them, it was accurate the individual that we were after was trying to flee in a vehicle with a--ground force engaged them it was accurate so. I've--I had good experiences with Slashers.

Q137 ((b)(3)130b, (b)(6)) What's your call your call sign?

A137 (WITNESS): Halo 08 is my call sign.

Q138 ((b)(3)130b, (b)(6)) Halo?

A138 (WITNESS): Yes Halo.

Q139 ((b)(3)130b, (b)(6)) 08?

A139 (WITNESS): 08.

Q140 ((b)(3)130b, (b)(6)) Okay, was that a--where does Halo come from?

A140 (WITNESS): I don't know where they got that from but that's all the MARSOB Marines theater have Halo----

Q141 ((b)(3)130b, (b)(6)) The (b)(1)1.4a do?

A141 (WITNESS): Yeah.

Q142 ((b)(3)130b, (b)(6)) Just the (b)(1)1.4a?

A142 (WITNESS): Just the (b)(1)1.4a yeah, that just the (b)(1)1.4a I think our company was Halo 6 thru 9.

Q142 ((b)(3)130b, (b)(6)) Where are you supposed to return home?

A142 (WITNESS): Our--my flight's schedule to leave Sunday night basically--late Sunday.

Q143 (INVESTIGATING OFFICER): When you were on the--the building one, two, and three, do the degree you can hear or see, any wailing, crying? Distress?

A143 (WITNESS): No it wasn't--it was a lot of curious people like trying to come up and see what was going on and they had to be waived off. There was even some warning shots of people trying to run motorcycles right into the occupied area, but there was not--. The women and children--only women and children I saw where in like building 51 and that's 'cause they were like right across the street from us. But there was no--they just went about business--they came out started----

(b)(3)130b, (b)(6) Cooking.

WITNESS:----pouring water and making bread and doing--they didn't care. If they didn't affect them, they didn't care so.

INVESTIGATING OFFICER: You're good? You're good? Again, our purpose here is to basically with your help is to--an analogy or just to find one slice of the pizza here. Connect all the slices and hopefully end up to be able to tell it had pepperoni and they had mushroom and they had sausage and that's goal back to the CENTCOM Commander. So thanks for serving your country. Thanks for being obviously as an American honest with regards to the questions we've asked. You obviously are a warrior and I'm very proud of being associated with you as a military member.

WITNESS: Thank you sir.

INVESTIGATING OFFICER: Thank you.

Encl 3

VERBATIM INTERVIEW OF

(b)(3)130b, (b)(6)

(b)(3)130b, (b)(6)

If you would stand for me.

(b)(3)130b, (b)(6) did as directed.]

(b)(3)130b, (b)(6)

And just raise your right hand. Do you swear that the testimony you shall give, shall be the truth, the whole truth and nothing but the truth so help you God?

WITNESS: I do.

(b)(3)130b, (b)(6)

Please state your full name.

WITNESS:

(b)(3)130b, (b)(6)

(b)(3)130b, (b)(6)

Go ahead and take a seat. Say again, I'm sorry; I probably rolled over you on the tape.

WITNESS:

(b)(3)130b, (b)(6)

(b)(3)130b, (b)(6)

Okay and your rank?

WITNESS:

(b)(6)

(b)(3)130b, (b)(6)

Duty of assignment?

WITNESS:

(b)(6)

(b)(3)130b, (b)(6)

All right. And current duty?

WITNESS:

(b)(6)

(b)(3)130b, (b)(6)

Okay and your current duty position?

WITNESS: Fire Control Officer,

(b)(1)1.4a

(b)(3)130b, (b)(6)

Okay, sir your witness.

Q 1 BRIG GEN CALLAN (INVESTIGATING OFFICER): (b)(3)130b, (b)(6) the reason we're here is that about two weeks ago I was appointed by the Acting CENTCOM Commander to conduct an

investigation. To the incident you participated in during the--near Azizabad in the Herat Province on the 21st and 22nd of August. I'd been given two action officers named (b)(6) (b)(3)130b, (b)(6) in the JAG staff from CENTCOM and (b)(3)130b, (b)(6) who he be the second Marine 06 to help us investigate this. We've also have two Iron Majors out there doing some logistics and report data. The investigation is--the guidance for the investigation is very clear and that is that we are supposed to consider new evidence that has surfaced after the CJSOFT (b)(3)130b, (b)(6) investigation took place. Was closed on the 29th of August. So that's why we're here and your roll in this obviously it's obviously it's pivotal. What I like to do is begin the discussion by give me about five to a ten minute overview with regard to any pre-mission planning affecting this. Take us through your participation in the objective and to a degree, if you will, any BDA or actions until the RTB'd.

A1 (WITNESS): Okay, okay. Bear in mind for this one that the--everything has been over a month. I'll give you the best I've got for 30 plus days it's been. This was an alert mission, I remember that we'd had original canx, and I'd heard that there was going to be something out West Afghanistan, not a normal area we go all that often I'd should say, we've been there but not, not one of the regulars. Did the basic pre-mission planning, had gotten about an hour, two hour notice that we had this one coming up. Seemed about the middle of our day, so well rested and everything, felt good. And stepped to the plane, got the a--some of the products, not all of the products that we typically get. And one, as a fire control officer, kind of the TAC team leader, I always look for these guys the GRGs. We did not have them at the time. We got them later through AIMs basically that a--center of our MURK, get that and put it up on screen so that everybody can see it. Which means my sensors in the back were seeing, pilot can see it, I can see, the Nav can see it and we all have good comm on that. And it's a long way out there, it was a good a--it be a good hour and a half I think to get all the way out there, it's a good drive. So we get out to the area, I have good comms, established the comms with them. We were in a hold point. If I remember correctly, we were ten miles South holding and contacted the ground party, started setting up there. They're still at the air base, they still haven't gaffed out to the DA sight at that point. He told us a couple of logistics type things, asked us to give in of what we call a "wheel" which we had in a holding ten miles South, to do a ten-mile orbit. Big wheel basically around the entire area. Helps us get a better sensor fidelity. And from that angle we could--we were starting to break out at the target area from there. So, we were kind of trying to go through the IR, trying to go through with me. Some of target locations as the Nav's talking to them, they are getting ready to leave, up there, and to vehicle convoy they are going to be well marked. We're finding out who's going to be our (b)(1)1.4a initially I thought it was going to be JAG, ended up being JAG gave control Halo 08. And then we got--you know, stayed in this ten-mile big wheel. And they started their GAF from the--from the base. Watch him go down, so we had sensor on them, clearing out front, standard stuff that we do. Look for anything that looks like a possible IED, any activity, standard convoy escort for us. Pretty benign at this point and the--they--I think they may have had vehicles troubles, if I remember correctly on the way down. So started to getting a little bit painful. I think there may even have been talk, we didn't know if this thing was going to go. It was of this vans or trucks where ever that was in. That was breaking down a little bit. They got fix so we, "Okay, great." So we--continuing escorting down. The escort was several close along, I remember a good distance but a--it's a good ways, pretty much

a straight LOC hard ball road down to the DA sight. When we got about say about perpendicular to the target area, GRG's here [pointing at GRG map] that the--they pulled off the road, they asked us for an escort to the actual target building, which target is building two one area--they're looking for. In the--pretty much in the center area here [pointing at GRG map]. So we knida looked over that, had built our SA a little bit earlier, we're building it again. And just as they pulled off the road, I remember thinking and saying that--trying to coordinate with Nav and the sensors, you know, "How are we going to give them a good escort/" because it's really it's the only one road. And we had to get them kind of between a few buildings and you know try to talk them into basically jeep trails to get to the right DA sight. And that--we only got about--I'm going to say between 10 and 30 seconds into that when--and the TVs wide, with the TV operator and in the way we have it set up on (b)(3) 50 USC (b)(3) 130b, (b)(6) entered the room] the benefit so we to that is that we have see wide TV and see narrow TV and can flip back and forth. And that TV operators are always looking at both of them. The wide gives you essentially bigger than this [holding up the GRG map and showing the members] can look at. You can see the lights and depending on the moonlight you can see even more than that. So, it the wide you--it kind of gives you a big SA picture. The narrow is what we actually shoot stuff with and get closer to a building. So he's looking at both of them and his wide he's like, "FCO I got small arms fire." And we'll seeing stuff go off on the target area. IR slaves are fast, the a--there's multiple guys on top of the building, shooting that direction. You can hear it transmitting over the radio. They continued to proceed which at the time I thought it was kind nuts, they continue to keep going towards the DA sight and I think in retrospect that may have been because it was indirect at the time. They got a little closer and the fire started to get a lot more direct. And this all happened fast. This is I'm going to say less than ten seconds. Which seems like a long time while we were going through it but it was pretty fast. And a--then the tone definitely changed, the this Halo called up--calls up again and you can hear the panic in his voice and they were taking some very close fire. And we found out later I know one of them at least got hit in the ankle. So we everyone on the team, we really listen up. He runs through the clearance of fire. It's danger close for us for us. I wanted to use the (b)(3) 50 USC (b)(3) 130b, (b)(6) to prosecute these guys fast and I've done some--we had tweaked earlier based on our weapon's check.

Q2 (INVESTIGATING OFFICER): What is "tweak" mean?

A2 (WITNESS): Tweak means essentially, it's a way for us to get a visual sample, which for me to get visual sample of the weapon's accuracy and it's a way for me to solve for what we call a gun delta and wind delta, as far fire control issues. So basically using a more accurate gun.

Q3 (INVESTIGATING OFFICER): And where did you tweak at?

A3 (WITNESS): Tweak up at the range. So, the range for us--is for the range, say 10 minute--10 minute drive probably, about from BAF. So we took off, I should mentioned earlier, we took off, we tweaked and then we headed towards the--those areas.

Q4 ((b)(3) 130b, (b)(6)) You expend ordinance when you tweak?

A4 (WITNESS): Yes, sir. Yes, sir.

Q5 ((b)(3)130b, (b)(6)) How many rounds did you expend?

A5 (WITNESS): This is going to be an estimate, probably between five and ten of each gun. But I don't remember exactly.

Q6 ((b)(3)130b, (b)(6)) Would that be taken out of the total of 82 rounds expended? What we understand was 82 and the MISREP, 82 rounds expended out of your 100 load for ((b)(3) 50 USC 3024(i) or then of those taken out of ((b)(3) 50 USC 3024(i)

A6 (WITNESS): Not that 82, at least, I'm not 100 percent on these numbers, that number. The Nav usually takes those down. But I know we took the full combat load. I know we left the target, through the night, went home was nine ((b)(1)1.4c, (b)(3) 50 USC 3024(i) we had nine of those left. And so I used probably five to seven, if I get it correctly. And sometimes they'll be a round or two that's bad and the gunners would see that. So it doesn't--the math is not always perfect on that one. If the ammo doesn't look good I'm not going to shoot it.

Q7 (INVESTIGATING OFFICER): So normally, ammunition expended, from what you left and from what you brought back, obviously the tweak rounds are in that total.

A7 (WITNESS): Yes, yes, sir. It would depend how we calculated and actually if you look at his--if you look in the Nav's OPSUM they should delineate the difference between weapons check and actual rounds used.

Q8 ((b)(3)130b, (b)(6)) But it's not reflected in his rep?

A8 (WITNESS): That I don't.

Q9 ((b)(3)130b, (b)(6)) Aggregate total.

A9 (WITNESS): Yeah, I don't have any SA on that. Let's see where we're at here. So he gave us--gave us clearance. I wanted to use the ((b)(3) 50 USC 3024(i) It was within; I think the first fight mission was within ((b)(3) 50 USC 3024(i) systems telling me. ((b)(1)1.4c, (b)(3) 50 USC 3024(i) or closer that's the point zero one percent PI that we may have fratricide or at least frag a friendly on that. So all we do is go through standard danger close clearance, make sure Halo 08 understood that and the guy's initials report that, I Echo-lima-alpha. Heard that all night. He was all for it you can tell the panic, the urgency, he wanted round on right now, they're taking direct fire that the--was definitely threatening their lives. So we put the rounds down and----

Q10 ((b)(3)130b, (b)(6)) Where?

A10 (WITNESS): Ah--lets see here [looking at pointing at GRG map.] Okay, this is how I remember it in my mind that's better. But the rounds down on building down, this is where we

saw the guys on top of the --on top of the roof, shooting at them. The ground party come up the jeep trail right here and it stopped just pardon the [inaudible] it's going to be South of building 49 and it stayed behind that building there. And so we started with one and then we saw some people in three as well and then when we started shooting we saw other movement in the area. We saw some people coming out of this building. Saw some people pretty typical when we start shooting building. These--we're stirring up activity basically happening. We're passing this all he's continuing to receive fire. You can actually hear it and see it and the pilot can see it too. The pilot seeing something I didn't see in the TV, but he saw some sort of rocket RPG type thing, possibly even aimed up at us. I know we didn't do anything defensive because it wasn't a threat to us. But it's possible that they were shooting us.

Q11 (b)(3)130b, (b)(6) I'm going to interject here only for your SA in the future. It was not an RPG and wasn't directed at you. What you saw where two red-star parachutes fired by the ground force commander----

A11 (WITNESS): Okay, that actually makes sense.

Q12 (b)(3)130b, (b)(6) :----to bring in the military vehicles. And that was a far recognition signal to facility and coordinate a link up. So if you see that in the future, don't assume a hostile.

A12 (WITNESS): we didn't which was good at the time, but would have been tough to get that across the radios anyhow because they go bananas at that point. So anyhow, we a--we went to the 40 as we got a little bit closer in building two. We got a--we got to 30 meters, our system was saying. Each different fire mission, as best we can delineate it between people moving, people on top of building, people come out, we got re-cleared on it again and got the re-initials and tried to let these guys know that "Hey, we're shooting damn close to you." And that you know, "Want to make sure you understand" and by that there's a little bit of risk involved with this. Even though as a fire control officer, I've got the best SA and the weapon's accuracy on the plane. And I was 100 confident they were good 'cause I tweaked them earlier and I was 100 percent with it and they went exactly where I thought they would. We saw them pull back as we were prosecuting people in building two. There was this--between a--between the alley way here's a truck [pointing at the GRG map] a couple of people went under that. Where we shot the 40 around that a little lower yield weapon trying to destroy the truck, tried to minimize CD as much as we can on that are and just prosecute this guys that are under it. And told them to pull back, so they were in a couple of vehicles behind 49 here. And they started pulling back away. They got to more like 200 meters away, which is a little more comfortable at that point. After that quieted down, we've taken care of one, two, three, that's when my memory it's a little fuzzy 'cause that was kind of the initial--initial push, probably lasted at least 15 minutes, if not more than that. Probably 20 to 25 possibly, it's hard to remember that. Then we saw--we saw movers in some of these other compounds. I know eight, seven, there was an unnumbered one that doesn't show up on this (b)(3) 50 U.S. but we kept seeing people come out of and a--we just doing standard [inaudible] at that point. So we're not PIDing this guys. I'll call them out, have the Nav call Halo 08, say "Hey, we got one mover in the alley way heading towards your way whatever the case was and we had both multiple times through out that night. And a--we just get

clearance fire on. They did say, "Clear to fire" and the--said, "Clear to fire" before most of those, actually all of the guys. And so we engaged them and we go cold again, search around the area. They continue to receive to fire up until at least an hour afterwards. We were getting calls from them that they were getting sporadic AK fire. So my main concern was to find this. So I felt pretty good about this area. So we went looking around the outskirts of all of this tried to find this guys that were still shooting at them. And never did find those ones. But the fire stopped. During the search, I do not remember the actual compound number but what I look at them my system is range and bearing from certain areas the sensor looks and then the other sensors actually going to shoot the gun, goes out to range of bearing. So I'm looking, it's bout 350 meters to the South West of this area so, somewhere in here, probably a little bit off this GRG. We see a couple of movers and a--I called out what I see is a little person. So internally we do it, nothing of this got transmitted, but internally what I always call cease fire, it's a standard cease fire. Inhibits go up even though we were not trainable since we're already in a safe position of the gun anyhow. So I inhibit anyhow and I call little person and reason they can tell--sometimes you can a little person sometimes you can't. you typically something to measure it against. So I saw an adult size person and then little person beside. So we called that out, we knew that the--this compound area had the little people in them. Called that to the JTAC, let them know for SA purposes, and then we never went back to that area again, except to look, we didn't engage within 200 meters of that area. So I was constantly doing my best to ID everyone at the time. So was--so was the sensors 'cause they called, I think the IR called as I was calling it as well, that we got a little person there. And the rest of the engagements I could say, as far as the gunship is concerned with the--our systems limitations is that we absolutely do not engage any little people and that--they were all adult framed. Now--with our system you know, the a--sometimes it looks like a black blob, sometimes you get a little closer and you can break out individuals what they are wearing, it depends on atmospheric conditions, depends on how high we are, depends where we are in the orbit, depends on the elevation. It can depend on how warm they are, depending on what they are wearing, it can depend a lot of stuff. But none of the ones that we engaged that actually--actually saw were shorter than any of us here. That I can tell you. Ah--lets see. Steered overhead for a while, after that, started turned around, trying to keep them with a--keep the ground party clear as we could. Things have settled down so they were moving from compound to compound so, standard ops we're going to watch them, I'm going to clear the area around them. Alert them of anything that they are seeing there. And a--maybe one other engagement after that we may saw. Honestly I don't remember how many more there were. There were multiple inside of building, shot several buildings as we saw activity in and around it. Got cleared on a specific building, every time we did that, ID'd of the GRG. Re-cleared it, got clearance on it again, 'till we got initials again all night whether we were in danger close or not. And this was all from my purpose to have it on the BDA tape that was not working. But that was the reason for that. And I can specifically remember this--that the--we got re-cleared on a building that I had just shot half hour earlier. Because we knew we're adding to the collateral damage to it. Wanted to make sure that was still the ground force commander's intent. So when I'm flying these missions, close air support type mission, the a--my main objection is to support the ground force commander, keep the friendlies alive, I'll do what it takes to keep them alive and then just support their intentions. Which I know in this theater is always minimize CDE as much as possible.

Q13 ((b)(3)130b, (b)(6)) Talk about the a--how well you're able to with the employment of your weapons be discriminating any collateral damage, in terms of the yield of your weapons and the accuracy of your weapons.

A13 (WITNESS): Our accuracy is one of the best weapons systems in the world period. And coupled with low yield even the ((b)(3) 50 USC 3024(i)) which is our high explosive ((b)(3) 50 USC 3024(i)) is still minimal compared to a ((b)(3) 50 USC 3024(i)) or another 500 pounder. So we have pretty much two options, and that way, maybe three, depending how you look at it. I can shoot the ((b)(3) 50 USC 3024(i)) or a D2 explosive round. I can set that to delay, I want to set that to delay typically I do that for a building and that will-- that will destroy more of the contents inside of it. "Cause on impact ((b)(1)1.4c, (b)(3) 50 USC 3024(i)) ((b)(1)1.4c, (b)(3) 50 USC 3024(i)) to get better effects inside. And actually can minimize the building damage when you're trying to target the people the people that are inside of it. Which is basically all we're good for.

Q14 ((b)(3)130b, (b)(6)) What's a P_K on the your ((b)(3) 50 USC 3024(i)) round?

A14 (WITNESS): For?

Q15 ((b)(3)130b, (b)(6)) Effective Casualty Radius.

A15 (WITNESS): It would depend on how your----

Q15 ((b)(3)130b, (b)(6)) Train mitigation and everything else but

A15 (WITNESS): You're looking for a meters number? That's what the ((b)(1)1.4c, (b)(3) 50 USC 3024(i)) and the ((b)(3) 50 USC 3024(i)) are based off of.

Q16 ((b)(3)130b, (b)(6)) Yeah the ((b)(3) 50 USC 3024(i)) was what point?

A16 (WITNESS): That's ((b)(1)1.4c, (b)(3) 50 USC 3024(i)) I'm sorry.

Q17 ((b)(3)130b, (b)(6)) ((b)(1)1.4c, (b)(3) 50 USC 3024(i))

A17 (WITNESS): Yeah.

Q18 ((b)(3)130b, (b)(6)) So, one out of--

A18 (WITNESS): A thousand.

Q19 ((b)(3)130b, (b)(6)) A thousand.

A19 (WITNESS): Yeah.

Q20 ((b)(3)130b, (b)(6)) Is--this guy is going to be a casualty at ((b)(3) 50 USC 3024(i)

A20 (WITNESS): Yes, yes, correct.

Q21 ((b)(3)130b, (b)(6)) What's the a--we also use, it's not in the JMEM directly but what we called ECR, Effective Casualty Radius, that a standing man within that--that range--expect to become a casualty. For instance for a hand grenade it is ((b)(3) 50 USC 3024(i)

A21 (WITNESS): Right.

Q22 ((b)(3)130b, (b)(6)) For a 40 millimeter grenade MK 19 or the 203 there's ((b)(3) 50 USC 3024(i) effectively you know become a casualty. Do you have correlation for that?

A22 (WITNESS): I don't have a good number for you 'cause I don't think it's published on that. I can give you experience it would be a--probably 20 to 30 meters, that areas though. The difficulty with assigning a number to that is a--is so many factors to it. And there's--depending on where you are in the orbit, depends a lot of it. And whether you're shooting the guy, you know we would call it parallel forward or perpendicular aft man where the gun is actually pointed to the guy.

Q23 ((b)(3)130b, (b)(6)) Has to do with your frag--frag pattern.

A23 (WITNESS): Exactly, the frag pattern is kind of a bow. So if you get him inside the bow is going to be a lot farther but if you--if you say take the PROX from PG 45 goes off at 15 feet above you know, what ever the Doppler detects as the ground, so which could of be a building, which could be the actual ground. It was a definite bow that comes out like that [putting his hands together forming a bow] so the frag pattern, you can put a round on top of somebody's head, frago like that and he'll get up and walk away 'cause he wasn't inside and that was a direct hit on him. So it—you can also someone can be 50 meters away, but if he's caught inside that frag pattern you know then he's definitely going to die. That's the little bit of difficulty of that but a general circle I'll give you 30 meters probably and that's probably generous.

Q24 ((b)(3)130b, (b)(6)) What are CDE calls sometimes the are people [inaudible] I can fly in this direction [inaudible] the [inaudible] is off this direction as opposed [inaudible].

A24 (WITNESS): Yeah, yeah I know that's actually something we do. PSAB--PSAB we do that the--so that you can minimize the frag in that way and there's always of a round skipping you know we try to minimize that to--if it's a hard on surface it could actually do that. So we shoot away from them you know, friendlies would be here, we would be here on orbit so this way towards the target.

Q25 ((b)(3)130b, (b)(6)) Initially out of building one, two, and three when you had a lot of the squirters, which direction did they go? If you recall.

A25 (WITNESS): Lets see [looking at GRG map] this would be cardinal here. Most of it was West and East because they--the ones that are one, someone went to two, someone went to three and then in this part it's tough to tell but I think extras came out of three and extra came out of two. The people that were already in those buildings. There's a wall from--this picture doesn't do it justice, there--you know, a pretty defined wall right on the South side of this compounds and into the North so they would almost have to go.

Q26 ((b)(3)130b, (b)(6)) We were on sight yesterday.

A26 (WITNESS): Yeah, okay you're good.

Q27 ((b)(3)130b, (b)(6)) No, no, good question. How many of--did you see squirters going off this way [pointing at GRG map]?

A27 (WITNESS): Yeah, later on we did, not towards the initial, but yeah.

Q28 (INVESTIGATING OFFICER): How about this way [pointing at the GRG map]? On the tape this is more less West and North West.

A28 (WITNESS): Not that I recall, doesn't mean it didn't happen though.

Q29 ((b)(3)130b, (b)(6)) But towards this irrigation ditch out the--basically the North side.

A29 (WITNESS): Yeah, I think we had one go that way.

Q30 ((b)(3)130b, (b)(6)) Two people running away from the----

A30 (WITNESS): One person. That I recall going that way. Because if I remember correctly we switched to the 40 and chased him towards that ditch. If I'm not mixing them up.

Q31 ((b)(3)130b, (b)(6)) When you have a--when have the squirters in this area, moving around, how many--how--could you tell women, children, ma'ams difference in this?

A31 (WITNESS): To the best of the gunship targeting abilities, there were (b)(1)1.4c, (b)(3) 50 USC 3024(i)

Q32 ((b)(3)130b, (b)(6)) What does that mean?

A32 (WITNESS): That means they were all of (b)(1)1.4c, (b)(3) 50 USC 3024(i)

Q33 ((b)(3)130b, (b)(6)) No, I mean the guys with the gunship's ability piece.

A33 (WITNESS): By looking through our sensors. Like I was explaining earlier, it's a black blob, so I can break out, (b)(1)1.4c, (b)(3) 50 USC 3024(i) That's why that

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

Q34 ((b)(3)130b, (b)(6)) But if you had five ((b)(3) 50 USC 3024(i)(1) potentially running in that direction----

A34 (WITNESS): You'd be able to tell that--you'd be able to tell five ((b)(3) 50 USC 3024(i)(1) Because of the
((b)(1)1.4c, (b)(3) 50 USC 3024(i))

Q35 ((b)(3)130b, (b)(6)) You said that also you were targeting a lot of structures as opposed to people?

A35 (WITNESS): Correct.

Q36 ((b)(3)130b, (b)(6)) So it was the primary way you were engaging?

A36 (WITNESS): I wouldn't say it's a primary, in this mission it was probably half maybe.

Q37 ((b)(3)130b, (b)(6)) And how did you, what was the basis for targeting a--what--at least in your discussions with the ((b)(3) 50 USC 3024(i)(1) what was your basis for targeting a structure?

A37 (WITNESS): People that he or the ground force commander had declared hostile and went inside those buildings, they wanted them destroyed.

Q38 ((b)(3)130b, (b)(6)) How were they declared hostile?

A38 (WITNESS): That's on to the ground force commander. As a gunship platform we do not PID. The only hostile intent that we can tell is when we see somebody shooting in which we did see multiple in this compound----

Q39 ((b)(3)130b, (b)(6)) In one, two, and three.

A39 (WITNESS): After that which you know we carried out several fire missions that we did not observe someone shooting. After that we were 100 percent rely on the ground force commander commuting to us in via the ((b)(3) 50 USC 3024(i)(1) hostile intent and hostile intent is embodied in a fire mission, like clearance for fire. Essentially what we use it in the vernacular the ground force commander buys the bullet.

Q40 ((b)(3)130b, (b)(6)) And who is--the bullet costing that particular evening besides from one, two, and three--you said and they were declaring people hostile was--what was the indication or was there any discussion? Did you have two people going into a building? What was the qualification for leveling a building?

A40 (WITNESS): A person.

Q41 ((b)(3)130b, (b)(6)) A person.

A41 (WITNESS): A person.

Q42 (b)(3)130b, (b)(6) Okay, that he had deemed hostile----

A42 (WITNESS): Correct.

Q43 (b)(3)130b, (b)(6) Went into a building [slammed his hand on the table] flatten the building.

A43 (WITNESS): Correct.

Q44 (b)(3)130b, (b)(6) Okay, when we looked at the number of rounds expended--the site toll, we have (b)(1)1.4c, (b)(3) 50 USC 3024(i) Breaking the amount of rounds per building, lets say it's a ten buildings, that approximately eight rounds per--is that a correct a break down? Did you have----

A44 (WITNESS): It was less for the buildings and multiple of those were PROX rounds, which I don't shoot at a building because it's ineffective. The PROX round essentially it's advertised to----

Q45 (b)(3)130b, (b)(6) Killing personnel essentially.

A45 (WITNESS): Yeah----

Q46 (b)(3)130b, (b)(6) Wounding?

A46 (WITNESS): Exactly. It's for personnel, it's designed for personnel is also designed to minimize fratricide because it can be used safely within friendlies even closer because it can't skip because it's going to detonate it self up above the ground.

Q47 (b)(3)130b, (b)(6) it'll rain.

A47 (WITNESS): So it's going to stay above the ground breaks into 22 caliber size bullets, 14,000 fragments, goes off like that, in a rainbow pattern. So I'm not going to use that on a building, ever, it's a waste of a bullet. Especially in this situation that we had multiple engagements with personnel--in the open engaging friendlies.

Q48 (b)(3)130b, (b)(6) You had nine PROX rounds left. How many did you have total?

A48 (WITNESS): That plane should of have had 25 PROX.

Q49 (b)(3)130b, (b)(6) So a--

A49 (WITNESS): The mix we fly with in OEF is typically (b)(1)1.4c, (b)(3) 50 USC 3024(i) rounds are the (b)(3) 50 USC 3024(i) which can be set to point detonate or delay, and then the (b)(3) 50 USC 3024(i) which is the PROX round and it's only PROX round.

Q50 (b)(3)130b, (b)(6) With the delay or the--the ground the a--

A50 (WITNESS): Point detonation.

Q51 (b)(3)130b, (b)(6) How did you have those adjusted at that time? You have a split?

A51 (WITNESS): If I'm shooting a building, I'm going to go to delay typically. Now, some of these buildings I didn't. The reason being they're so small, it's not really worth it, even more of a effect. And there was a couple--if I remember--this one right and this is why we shoot so many 40s, is we were trying to conserve rounds and we seen people do this before--so I was using TTP I had observed before was that the--they'll hand in the door way and wait till they can see something. So a lot of times we'll try to sneak a 40 inside the door. And again, trying to minimize the damage, especially--there's one that sticking in my mind, where we saw this one guy go to a building and this can be hard to tell 'cause the doorway is dark, he shows up as a black blob too, but we thought there's possible that he was standing just right there in that doorway. So we were trying to wait until he came out of the right side of the orbit and put 40s right in the door. That's tough to do. So it's going to take a lot of rounds.

Q52 (b)(3)130b, (b)(6) 15 miles away I would assume so, did the--did you do a lot of corraling with the--

A52 (WITNESS): Did a little, yeah.

Q53 (b)(3)130b, (b)(6) Okay, how does that work?

A53 (WITNESS): Typically, there's several ways to do it. Probably the way I do it the most would be go to (b)(1)1.4c, (b)(3) 50 USC 3024(i) One sensor would be using a (b)(3) 50 USC 3024(i) the other sensors would be using the 40. And the one with the (b)(3) 50 USC 3024(i) would probably have PROX in the tube. Will track direct with the PROX offsets that's what we call it. Track direct on the objective person we're trying to engage and then we use the corraling fires to try and use reason suppression to get them to go a certain way. So if I don't want him to go towards buildings or more normally I don't want him to go towards the friendlies, I'm going to put the 40s between the friendlies and him consistently right here [pointing at the GRG map] to trying to get him to squirt the other way, safer for friendlies, easier for us to engage him.

Q55 (b)(3)130b, (b)(6) And you received initials because of a lot of danger close rounds throughout?

A55 (WITNESS): Correct, correct.

Q56 (b)(3)130b, (b)(6) So the (b)(1)1.4c was having to go back to the commander and tell him, "We're striking this building, danger close" initials, back with you.

A56 (WITNESS): That's my assumption, yeah.

Q57 (INVESTIGATING OFFICER): Talk to us about after the one, two, three complex was hit. We were given you a--questions concerning this direction versus this [pointing at GRG map]. Tell us if you can remember, which direction did you track the squirters?

A57 (WITNESS): Multiple directions honestly I can't give you a good. I know we took one over this way [pointing at GRG map] 'cause as looking at now I remember this terrain. I know a couple went between this alley way here up towards this direction. I believe is right here, is the one we kept referring to internally the unnumbered building, this area, will be my best. I don't recall anything in this area and my best recollection is that little person was in this area, maybe even more like here. It's 400 meters to the South West if I remember [inaudible].

Q58 (INVESTIGATING OFFICER): What were your actions and where are the TTPs after you engaged the target?

A58 (WITNESS): I'm going to continue engaging until I'm convinced it's destroyed, so.

Q59 (INVESTIGATING OFFICER): Then what?

A59 (WITNESS): Then I'm going to safely, well not in a safely, I'm going to fix it, the pilot will then save the gun which at that point its--the gun is completely safe and we're going to have--I'm going to have the Nav call down and say, "Target destroyed." And then it depends you know we would look--in this case we just continue searching other times it'd be, "Do you have another fire mission for us?" You know, "What do you guys need next?"

Q60 (INVESTIGATING OFFICER): Do you recall ever seeing in progressing of--keeping track of squirters, do you recall witnessing any return fire from any of them? And if so, where?

A60 (WITNESS): I do not, except for one, two, and three initially. So there was not return fire--we--what we did have is at least an hour into it, Halo 08 calling up, "Slasher 02, still receiving sporadic AK fire from somewhere." And I remember looking for it, I couldn't find them.

Q61 (INVESTIGATING OFFICER): Okay, how long did the total engagement last?

A61 (WITNESS): Pretty much the entire time we were there so, probably two hours. It slowed down towards the end but the--and then towards the end we weren't engaging, we were watching and we were locked and loaded ready to engage in case of they came under fire again. Because at that time the ground force was moving from compound. They went you know they did the SSE on the initial compounds here [pointing at the GRG map] and then they were moving because this building four we watched this building until the very end for quite a while. Because I did observe people go in there. We told them about and things had quieted down and they wanted me to just roll up on them at the time. Proceed [inaudible] my guess.

Q62 (INVESTIGATING OFFICER): When did you realize that the BDA tape machine was not working?

A62 (WITNESS): The day after.

Q63 (INVESTIGATING OFFICER): The day after.

A63 (WITNESS): Yeah. Every indication was that it was working for me.

Q64 (INVESTIGATING OFFICER): What indications do you have that's working?

A64 (WITNESS): I have a light which I press a--just a light says BDA right on next to my comm. And then that's the hardware way of turning it on. There's also software that works through the AIMs and that's what I really look at. Historically, I don't trust that button. I've seen it not work before. So I press it but I've seen it not work. What I look for is the software indication that shows recording and it shows a count down you know, tape remaining and where you are on the tape. Then I had the Nav check that, it's up on the AIMs screen above our stations. And the Nav checked that probably about three times through out the entire night we where there. To make sure that the tapes were going. Because for whatever reason these BDA tapes are notorious for stopping. So I wanted to make sure we were getting it.

Q65 (INVESTIGATING OFFICER): And what did the AIM screen show?

A65 (WITNESS): It showed that it was going the whole time?

Q66 (INVESTIGATING OFFICER): The entire time?

A66 (WITNESS): Yeah. I was as comfortable as I could be. We've had problems with this plane but it was showing it was working. We had special comms out there working on this thing. I thought we were recording.

Q67 ((b)(3)130b, (b)(6)) I would like to follow up from the question you just asked sir. With regards to the sporadic gun fire, after the initial fire fight from one, two, and three, is it my understanding that you basically did not see much fire from the--would you have seen fire?

A67 (WITNESS): Depends. If we're looking right at it yes, yeah, absolutely.

Q68 ((b)(3)130b, (b)(6)) And when they said, "Sporadic gun fire we think from this area" you concentrate on that area. Did you ever see--

A68 (WITNESS): We looked and didn't see it.

Q69 ((b)(3)130b, (b)(6)) So the fire besides from one, two, and three, the fires in this area here [pointing at the GRG map] potentially this area here were all about concentration forces?

A69 (WITNESS): There was indirect fire towards the ground party is what I got from him on the radio.

Q75 (INVESTIGATIVE OFFICER): Did you ever knowingly track a civilian target in this mission?

A75 (WITNESS): No, sir.

Q76 (INVESTIGATIVE OFFICER): Did you ever--to the best of your ability inaccurately indicate a combatant versus a civilian?

A76 (WITNESS): No, sir.

Q77 (INVESTIGATIVE OFFICER): Ever a civilian by mistake?

A77 (WITNESS): No, sir.

Q78 (INVESTIGATIVE OFFICER): What happened after the two hours on the target?

A78 (WITNESS): We left, RTB.

Q79 (INVESTIGATIVE OFFICER): Who's in charge of munitions management on the airplane?

A79 (WITNESS): Depends how you're defining that. As far as what we shoot or--

Q80 (INVESTIGATIVE OFFICER): If you could explain that. How many you shoot?

A80 (WITNESS): How many? It's me working in concert with the pilot.

Q81 (INVESTIGATIVE OFFICER): Okay, do you recall any discussion that you and the (b)(1)1.4a had with regards to how many you're shooting?

A81 (WITNESS): With the (b)(1)1.4a No. We had--the pilot and I were having internal comms, we were trying to work round conservation. So there was a point when we had about probably, I'm going to estimate here, probably about 30 (b)(1)1.4a left where we were lean heavily towards the 40s because we have more of those. And realizing we need to them as this whole fire mission kind of developed, realizing that. These guys are still under eminent threat, there are still taking sporadic fire, we need make sure we have the fire power to prosecute something else.

Q82 (INVESTIGATIVE OFFICER): Does the (b)(1)1.4a know you're having this talk? (b)(1)1.4a versus 40?

A82 (WITNESS): My recollection is that we passed that to them.

Q83 (INVESTIGATING OFFICER): Was that decision influential with regards to when the (b)(1)1.4a was used? Why weren't you used?

Q70 ((b)(3)130b, (b)(6)) But you didn't see it.

A70 (WITNESS): I did not see it.

Q71 (INVESTIGATING OFFICER): ((b)(3)130b, (b)(6)) what goes through mind when the ground force commander after your descriptions of in this case, squirters going into say building 35. You call and individual in there and I assume you're walking through your TTPs with regards to clearances that change from individuals to buildings, correct?

A71 (WITNESS): Yes, sir.

Q72 (INVESTIGATING OFFICER): What's going through your mind when he clears you to engage the building? You intent obviously is not to destroy the building but to destroy the enemy combatant in theory in the building, right?

A72 (WITNESS): Right, right.

Q73 (INVESTIGATING OFFICER): You don't know what's underneath the roof do you?

A73 (WITNESS): Do not have an 1.4c, (b)(3) 50 USC, no sir.

Q74 (INVESTIGATING OFFICER): So, what are you thinking about both maybe mentally as well as weapons employment with regard to being clear from the ground force commander to engage a building under which you do not know that maybe the combatants you assume had gone in with this clearance. You don't know what's underneath there.

A74 (WITNESS): Well, in this case and all the cases that night, I observe someone that had been cleared hostile going into this building. So my primary concern especially when they already been engaged on the same night in the same area is to prosecute that target. And I would rather do it than have and you know we also have the ((b)(3) 50 USC) overhead which ended up dropping later. But I rather do it to him because I'm lower yield than he is and frankly if he squirts out I can get him. And he may not be able to. So my primary focus at that point is protecting the ground forces, engaging anyone that's hostile to them, they deemed to be a threat which the entire mission they felt threaten by, the entire mission from as soon as they pulled up off the hard ball things changed. So my thinking is I'm going to keep the ground party safe and if that means I have to shoot a building, I'll shot a building 'cause I saw a guy going in there. I have to assume that the ground force commander and this is part of the trust. They trust me, I trust them. I have to assume that he's vetted the CDE concerns, that he's worked whatever chain he needs to and his communicated all that to the ((b)(3) 50 USC) when the ((b)(3) 50 USC) gives me clearance to fire. See if I question every time, we'll never get a round off. We don't have time. So I have to trust that they went through whatever wickets what ever vetting that they need to do just like they trust that we have. So if that's the case and he clears on the building and I've seen somebody that we were tracking earlier go in there. Then in that--in this case, definitely in this mission then I felt, I believe justified in shooting them.

A89 (WITNESS): The building, absolutely. And I can remember pain-stakingly going through this with the Nav to tell him, "Confirm he wants us shoot the building." because these guys aren't outside anymore. And we did this for every single building we engaged. And even if we re-attacked it. Which was at least one case we re-attacked the building because someone squirted back into it. And said, "Confirm you want us to engage this building?" And we use the number you know, "Copy, clear to engage building eight" or whatever it was.

Q90 (INVESTIGATING OFFICER): Okay, so back on the previous question. When is the building destroyed in your mind?

A90 (WITNESS): Depends, depends on its makeup, rubble----

Q91 (INVESTIGATING OFFICER): In this instance?

A91 (WITNESS): Rubble.

Q92 (INVESTIGATING OFFICER): Rubble.

A91 (WITNESS): Yeah, rubble was essentially what I was looking for.

Q92 (INVESTIGATING OFFICER): Okay, how much rubble?

A92 (WITNESS): Well if I don't see four walls standing I feel pretty good about it.

Q93 (INVESTIGATING OFFICER): So if you see one, two walls standing then you're not happy about it?

A93 (WITNESS): It will depend. One, two walls? That's fine, if all four walls is taken, part of the roof is still intact, I may say its destroyed I may not. Caveat to that I may not will be is if okay let's say we got four walls, half a building, half a roof right here [making hand gestures as if forming the walls of a house]. If I put a (b)(3) between them, then I don't need to shoot anymore, I'm good. I'll be able to tell because I'll see smoke come out the sides, that's kind of what I look for.

Q94 ((b)(3)130b, (b)(6)):: You just know everything inside will be dead?

A94 (WITNESS): Yes, exactly. If I see--if I see--and that can happen, sometimes you'll only get one shot like that. And you--will get one delay it would work just as advertised right through the roof and you'll see the windows go out like that. Then you know you have the blast frag that you were looking for.

Q95 ((b)(3)130b, (b)(6)): But based on the 82 rounds I would guess that the perfect shot do not occur to many of that.

A83 (WITNESS): I can't speak to the (b)(1)1.4a thinking on that. But it probably played a roll. This would just conjecture but we were running low and actually to be honest with you if---

Q84 (INVESTIGATING OFFICER): Yes, be honest with me.

A84 (WITNESS): It made, it made more sense----

(b)(3)130b, (b)(6) Don't worry about it, I say it all the time, it drives him crazy.

WITNESS: It makes more sense to use an (b)(1)1.4a on a building than us. We're so low yield that they have to direct me if they--multiple times. Even in Afghan building. Not all of them, but these ones, it makes far more sense to drop--if I'm the (b)(1)1.4a that makes more sense to me.

(b)(3)130b, (b)(6) Hey I got a follow up question sir, because I forgot to ask

INVESTIGATING OFFICER: I can tell by the gleam in your eyes.

(b)(3)130b, (b)(6) Sorry.

Q85 ((b)(3)130b, (b)(6) **)** What tells you to stop dropping bombs on them?

A85 (WITNESS): What do you mean?

Q86 ((b)(3)130b, (b)(6) **)**: You got inside, how do you know he's dead?

A86 (WITNESS): You don't. There's no possible way for sure.

Q87 ((b)(3)130b, (b)(6) **)** So the building has to be rubble as such?

A87 (WITNESS): Or close to it. I mean one, I know----

Q88 ((b)(3)130b, (b)(6) **)** You gotta make sure no one survives in the building?

A88 (WITNESS): Yes, and another thing we'll do is evaluate if there's any movement you know, after a while we're going to be able to see inside of it. And then I'm just going to see if there's any movement.

(b)(3)130b, (b)(6) Roger, okay.

Q89 (INVESTIGATING OFFICER): So I'm clear, when you saw squirts who were deemed hostile by the ground force commander, enter a building, was the clearance to destroy the building or the clearance to destroy the individual?

A95 (WITNESS): It occurred a couple of times, that's--that's the dream shot. It just doesn't happen that often.

Q96 (INVESTIGATING OFFICER): You go out on a normal mission here to find a shot 82

(b)(1)1.4c, (b)(3) 50 and 242--

A96 (WITNESS): Yes, sir.

Q97 (INVESTIGATING OFFICER): 40 MMs. That's a pretty--pretty lead night.

A97 (WITNESS): It's a decent night, yeah. Its not a double Winchester night which a lot of guys have got, Winchester being all rounds expended. But it's definitely a good night, yeah.

Q98 (INVESTIGATING OFFICER): To the degree that you can on the sensors, does that amount of lead leaving the airplane match what you saw?

A98 (WITNESS): Yes. Yes.

Q99 (INVESTIGATING OFFICER): Okay, so there's no difference between what you and I would call a munitions delivery in terms of numbers and the objective prosecuted through the two hours. To you it's my words, proportional?

A99 (WITNESS): Yes, yes, sir.

INVESTIGATING OFFICER: We're required to give the CENTCOM, the Acting CENCOM Commander report back on this investigation by the 24, through tomorrow. You can anticipate us asking for an extension to our behalf and he given us some degree of lead way to do that. You can anticipate the report to classified. What CENTCOM decides to do after that it would be up to him. You can anticipate us to really wrap this up no later than probably the end of the month. Next is that you're not in liberty to discuss this interview or discussion with anyone, keep it between us. And once we get to your transcript typed out, we're probably going to come find you to have you sign it as a memo, not a memo for record. What's the term I want?

(b)(3)130b, (b)(6)

Sworn statement.

INVESTIGATING OFFICER: Okay? Thanks for serving.

WITNESS: All right sir. I appreciate it.

Encl 4

VERBATIM INTERVIEW OF

(b)(3)130b, (b)(6)

(b)(3)130b, (b)(6) I would normally would go over and explain that you reckon that you're under oath, but we'll do it again, just because the recorder wasn't there before. Do you wear that the testimony you shall give, shall be the whole truth and nothing but the truth so help you God?

WITNESS: I do.

(b)(3)130b, (b)(6) And do you have any objection to the recording?

WITNESS: No.

(b)(3)130b, (b)(6) All right, please take a seat, say your full name.

WITNESS: (b)(3)130b, (b)(6)

(b)(3)130b, (b)(6) Your rank?

WITNESS: (b)(3)130b, (b)(6)

(b)(3)130b, (b)(6) And your duty of assignment and current position?

WITNESS: (b)(6)
(b)(6) both.

(b)(3)130b, (b)(6) And what (b)(6)?

WITNESS: (b)(1)1.4a

(b)(3)130b, (b)(6) And the tail number for that?

WITNESS: The one for this night was (b)(3) 50 USC 3024(i)

(b)(3)130b, (b)(6) Thank you, your witness.

Q 1 BRIG GEN CALLAN (INVESTIGATING OFFICER): Can you give me the TIT numbers on number three?

A1 (WITNESS): On number three [laughing].

Q2 (INVESTIGATING OFFICER): Okay again because (b)(6) have just joined our team. I'll give you what we talk about briefly from the VTC before you were cut off about four times. Four or five, I forget. Anyway, about two weeks ago I was given a call by Chief of Staff at CENTCOM saying that the Acting CENTCOM Commander had made me the Investigating Officer for the incident that you participated in the 21st and 22 of August down near Azizabad. He provided two lawyers from the staff, (b)(3)130b, (b)(6) to assist me in the investigation. The CJSOFT here have done investigation initially on the incident and it had closed around the 29th of August. Since then and the focus of our investigation and specifically new evidence, it has come to light since the closure of the initial investigation. So, that's our focus. I appreciate you coming in and giving us some of time.

A2 (WITNESS): Absolutely, I'll be happy to help.

Q3 (INVESTIGATING OFFICER): Our, what I would like to do is with your blessing is begin with what I would call a five to ten minute overview from your perspective just giving us exactly any pre-mission, any objective discussion you directly recall and kind us take us through an overview of the sortie that you participated in as a result of the capture kill against a--what was known as Commando Riot.

A3 (WITNESS): We got the OP, got alerted and got given the information as we were heading out the door and headed down to initially to go to South West corner of Afghanistan, hit the tanker then moved up to the objective. Held off of the objective, I believe approximately ten miles to the North and the reason that we do this is to minimize our noise signature over the target we don't want spook targets because as low we fly they can hear us pretty well. So we held up North waiting for the ground party to get into the vans and tactical vehicles, whatever else they had and be ready and start their--start the movement away from the FOB. We made contact with them at the hold point and we held I would say approximately 20 to 30 minutes as I recall. Nothing real significant in the hold point. I seem to remember that the ground guys had some issues with one of their vehicles; they kind of held them up a little bit. Once they were good to go they proceeded down the highway, I believe the time we went over there, the main OC of which the compound was a few hundred meters from. So give them escort on the way down and as they were getting close we were looking down at the compound. Once they made the turn off the main LOC towards the compound they got what I would judge of--half of between the main LOC and the compound when things really started getting busy. There was fire coming from primarily from building one [pointing at GRG map] and this as I say is my observation out the window on NVGs. At the time I did not know what is a--I could not identify that as building one but the--as the guys were approaching in here [pointing at GRC map] or through here, started taking fire from this direction. Then a--the---

Q4 (INVESTIGATING OFFICER): You did or the ground party?

A4 (WITNESS): The ground party, the ground party sir. We were never fired on the entire engagement that we know of. The lead two vehicles contained forward then--continued to come under fire. At this point our internal communications as well as the ground party came over the

radio indicating that the ground party was taking fire. Both of my sensors saw it as well as myself. And like I said the ground party is calling that out.

Q5 (b)(3)130b, (b)(6) You said both your sensors, what sensors?

A5 (WITNESS): My (b)(3) 50 U and my low white television.

(b)(3)130b, (b)(6) Thank you.

WITNESS: Sure thing. I can go into more detail on those sensors as you like.

(b)(3)130b, (b)(6) We will, later, okay great.

[Continued with answer #4]

WITNESS: We noticed--early observed approximately five to six folks on top of the building one and running around in the court yard. It was tough to keep a good count because they kept running in and out of the building, both from court yard and from the roof--jumping up on the roof and coming back down. All firing at the friendlies, friendlies ended up getting pinned down, they we--called out to them painted them a picture, told them what we saw and they cleared us to engage everyone on in around building one and the associated compound is how we refer to it. Told them again, engaged them with (b)(3) 40s and (b)(3) 50s and as we began doing that the--we squirting out of the compound, running down these alley ways [pointing at GRG map] and into other compounds directly around the main buildings. As we cleared building one of all personnel that we identified, that was our initial clearance and once we completed that then we continued to track the movers and squirts as they moved between compounds and along the alleyways. And calls those out to the ground party, they reported they were still taking fire. So we got a clear to engage on those individuals when then ran into the building, we would cease fire, call back to the ground party, update them, let them know that they were in a building and got clearance on that building. There were two or three individuals that jumped under a truck, I would say that truck was right here [pointing at GRG map] and it was about a month ago so please forgive me on some of my recollection.

(b)(3)130b, (b)(6) That's correct.

[Continued with answer #4]

WITNESS: And I remember spending----

INVESTIGATING OFFICER: Just for the record [inaudible] this was basically in front of building two.

[Continued with answer #4]

WITNESS: Between in that alley way between two and fifty. We engaged them, that target, trying to get the folks under the truck it was--was obviously a very difficult once they were under that vehicle to see them or make sure we got good effects on them. And especially with the

friendlies over here [pointing at GRG map] that the--we wanted to make we got those guys good. But once we were finished there and we continued to clear these [pointing at GRG map] compounds in the direct area, direct vicinity of building one and as far as--those are the main specifics if I can remember about the engagements that we had in there. I remember we were chasing folks down alleys, we're chasing them into these other compounds close including some of the buildings and I'd say the (b)(1)1.4a dropped a 500 pound of (b)(1)1.4a on one of compounds that we were engaging. Having limited effects with that and the ground party decided to have the (b)(1)1.4a engage, which they did, we pushed off. I believe we pushed to the North, to clear, clear the engagement zone for them. And once that was complete we came back overhead and I want to say we only engaged two targets after that, after the (b)(1)1.4a. Total time for the engagement was approximately two and a half hours, two to half hours over our over head time. I'd say we probably didn't shoot in the last 30 to maybe 45 minutes. And that's all I can think of the top of my head.

Q6 (INVESTIGATING OFFICER): Initially, can you give us some sort of chronology here and again, this has been almost a month ago, but to the best of your ability. Give us obviously and focus on the objective bearing which is defined with building one. Tell us if you can recall once the concentration from building one was complete, you used the terms squirters. Tell me where the enemy combatants as you saw them with your sensor. Tell me where the squirters progress and which direction, how many, kind of walk me through if you would the post building one engagement sequence.

A6 (WITNESS): I will tell you that my, first of all my recollection on that is pretty skosh at this point. Plus we're engaging I'm looking outside and I do have a monitor down by left--my left knee that shows what the sensors are looking at. But the--I've got that term laid down to minimize our light signature over the overhead target. For self protection reasons and so I was not concentrating on that as much as I was planning on building my SA through listening. And looking outside there was a-- as I remember a fairly low illum night, I think, I can't remember, but I remember, I remember this truck [pointing at GRG map] happened, I want to say that's the first place that we went after we took care of building one and everyone in there. After that truck was the guy running down an alley way which is probably the alley way here [pointing at GRG map] between building three and 54 so to the--see that's North, to the North of building three, that alleyway. And they were the other--generally--generally North, North East very few to the South as I remember. I think there were some in the 50s series, but to be honest sir, that's all I can remember. My navigator does keep a log and we can provide that log to you, if that would help. He actually coded as well from his short hand

Q7 (INVESTIGATING OFFICER): Great, can you talk to us about the reason we've got basically you on orbit with the BDA tape and then nothing afterwards?

A7 (WITNESS): Yes, sir.

Q8 (INVESTIGATING OFFICER): What happened, give me the history of the airplane as we understand it, tell me what we do have on video what we don't have on and why?

A8 (WITNESS): Sure, what we do have is as I understand, I haven't watched the entire thing, but about 15 minutes of BDA tape from us at our hold point. Once we checked on station, it's a normal practice for the fire control officer or Navigator to turn on the BDA tape once we get close to an objective. So once we're on station and turned that on. It went for approximately 15 minutes and as I understand it the software records in 30 seconds chunks as opposed to warning like the video camera doesn't record the whole thing, does 30 second chunks. And we're talking to the lady who put it-- assembled these chunks, there was an even number of chunks and those-- there was not odd length chunk so seems to indicate a software malfunction was the best of her analysis 'cause normally when you stop the BDA tape, it's going to be dam near impossible to time it, so you get that last 30 seconds block. So the analysis we've been having difficulties with this aircraft, it goes through what's it call an aim server. Basically the PC on the aircraft runs a couple of different special things that we have over here as well as lets us integrate a lot of the sensors to visually display around display images around the aircraft. Having a lot of problems with that server and even to this day, we're still having problems with that server. Got our folks from home station as well as Campbell trying to fix that and it seems to be problems with both of our airplanes out here right now. They're--the shoot after that--there was on that aircraft there was also no BDA. And we've been having indications upfront. There's a what we call "hard switch" just punch the switch and it's supposed to activate the system. You can also go in through the computer and do it a soft switch, kind of like going through Windows and turn it on if you will. Either way, neither one of them will work and we're still getting indications of the tape rolling, you get a little record signal like you do in a camcorder.

Q9 (INVESTIGATING OFFICER): So you thought during the engagement either going through the soft or the hard switch. You thought the tape was getting it all?

A9 (WITNESS): Absolutely.

Q10 (INVESTIGATING OFFICER): When did you find out that you didn't have any tape?

A10 (WITNESS): The next day. We landed and we handed the BDA over, asked what time the BDA was going to be complete and they reported about 1900 because there was another shot that night from another aircraft. It was a U-model aircraft, they've only got one BDA tape, so they had to get--process that one in order to get them that tape back and so they can fly with it. So ours was second priority. They said it wasn't going to be ready until 1900. So my plan was to get the crew together at 1900 'cause this was our second shoot together as a crew, so we were going to get together and go over everything as a learning experience because it was a very large shoot and kind of go through and see what we did good, see what we did bad, standard stuff there like we do at home. We don't always do that over here 'cause we're so busy. But this one I thought it was important enough, so I came in the next day and they reported no BDA. At first I thought they would--seemed odd that it didn't record anything at all. Then they said there was--got the 15 minutes of the pre-strike.

Q11 (INVESTIGATING OFFICER): So—I understand thru the soft or the hard button if you will, you gotta record indication?

A11 (WITNESS): Yes, sir. Absolutely.

Q12 ((b)(3)130b, (b)(6)) I've never seen what your sensors look like at this point. You're probably also trained to view stuff.

A12 (WITNESS): The pilots not so much. A sensor--our sensor operators our probably the mostly highly trained sensor operators in the Air Force with these type of IR and television sensor. Pilots don't receive a whole lot. Most of our reliance and SA is coming from those sensors. Up until a few years ago we didn't have that aim screen that I was talking about by my left knee. So it's not important for us to understand, not understand but be able to decipher and interpret because we do have the sensor operators. Our Fire Control Operators are given some training as I believe and you can ask ((b)(3)130b, (b)(6)) about that. I don't want to speak out of turn for him.

Q13 ((b)(3)130b, (b)(6)) How well can you see at night?

A13 (WITNESS): I can see the compounds from ((b)(1)1.4c, (b)(3) 50 USC 3024(i) plus you've given that slant range of probably 10,000 or 11,000 feet. As well as I could, ((b)(3) 50 USC 3024(i) away through NVGs.

((b)(1)1.4c, (b)(3) 50 USC 3024(i))

((b)(1)1.4c, (b)(3) 50 USC 3024(i))

Q14 ((b)(3)130b, (b)(6)) You said RPG rounds?

A14 (WITNESS): Sure. I saw what I would believe to be two RPG round coming at premise---

Q15 ((b)(3)130b, (b)(6)) At the beginning of the fight?

A15 (WITNESS): At the beginning of the fight, the initial volley.

Q15 ((b)(3)130b, (b)(6)) Do you know where those landed?

A15 (WITNESS): [Pointing at the GRG map.] I would say the bottom right hand corner of the macro. At that point when I saw----

Q16 (INVESTIGATING OFFICER): Basically, it's probably, on the chart South of 26 somewhere.

A16 (WITNESS): Yes, sir.

Q17 ((b)(3)130b, (b)(6)) The a--were you--you said you couldn't differentiate--could you differentiate what type of person you were dealing with?

A17 (WITNESS): Could not.

Q18 (b)(3)130b, (b)(6) Okay so just----

A18 (WITNESS): I cannot personally----

Q19 (b)(3)130b, (b)(6) Personally could--were they shadow, were they just--what did they look like on the screen? Dot's essentially?

A19 (WITNESS): I would say if you got into trying to--paint a picture here, if you go out into a field in the middle of the night on about a quarter moon light, and you see a dark shape moving through the field, you can see in there many different factors that go into. This night you can tell people walking, you can see the individual legs moving. I don't remember if you can see arm swing or not.

Q20 (b)(3)130b, (b)(6) Can you tell if they have weapons or not?

A20 (WITNESS): (b)(1)1.4c, (b)(3) 50 USC 3024(i) If they are carrying something large then you can kind of tell that they're--you can show that they're carrying something large and possibly cylindrical on their back or a back pack. (b)(1)1.4c, (b)(3) 50 USC 3024(i)

Q21 (b)(3)130b, (b)(6) So, it's a hard read?

A21 (WITNESS): It's very difficult read.

Q22 (b)(3)130b, (b)(6) So you--what was the primary way you could tell somebody was a combatant versus a noncombatant?

A22 (WITNESS): For us? We do not PID. Our sensors are not good enough to PID. We leave that up to the ground force commander.

Q23 (b)(3)130b, (b)(6) If the ground force commander can't see where the fire is coming from or can't identify, do you identify for them? You have two commanders here who are firing on you. [Inaudible] going on?

A23 (WITNESS): If we can see the fire, yes will, our job as we train to it and as we're brief to it is to paint a picture for the ground force commander be a tool in his tool bag if you will to build his SA. So what we would do and what we did that night would be to--sir, you had three people moving around in two Alpha for example, call for ground--the (b)(1)1.4 say, "Hey, Slasher 02, we've got three individuals moving around on the western side of the compound, associated with building two A." They appear to, if we can tell, then we'll elaborate and say, "They appear to be" whatever when we read out building one I give--we gave the same read out that I gave you there. They are running around the roof of the building. Shots appear to be coming from the roof of building one; we got multiple guys running up and down off of the roof and multiple guys running around in the compound.

Q24 ((b)(3)130b, (b)(6)) You can also tell, you would also relate to them where they squirted to say they squirted to building four and then you would also tell them if they were moving back towards building one, where they were moving.

A24 (WITNESS): Yes, sir.

Q25 ((b)(3)130b, (b)(6)) At that point, as you described what is happening on the ground, the ground force commander then puts that into the picture, he determines whether it's hostile intent.

A25 (WITNESS): Yes, sir.

Q26 ((b)(3)130b, (b)(6)) Or hostile act.

A26 (WITNESS): Yes, sir. It's up to the ground force commander according to our ROE to determine hostile intent to PID.

Q27 ((b)(3)130b, (b)(6)) You're painting a picture for him that he gets, that you're getting out of your sensors, your point of view, your positional advantage being above and you're then able to communicate that down to him.

A27 (WITNESS): Absolutely.

Q28 ((b)(3)130b, (b)(6)) And he puts it in with rest of the picture on the ground where he sees fire coming and then he'll determine whether that's hostile intent, hostile act.

A28 (WITNESS): Perfect, exactly.

Q29 ((b)(3)130b, (b)(6)) With the regard to the--were buildings being engaged because there's fire coming from them? Were building also being engaged because you had a collection of what was believed to be combatants in the location. Or both?

A29 (WITNESS): I would say both. That's--we--never debriefed with the ground force commander and went through those--those kind of things with him. What the there--initially building one, I'll tell you without a question was engaged because there were people engaging the friendlies from them. The ground force reported that they were taking fire throughout the night. The--I want to say once may twice reported directions they were taking fire from and we looked through our sensor over there and began searching over there for where we were initially doing our search. But other than that, I couldn't tell you. After we were completed the engagement we continued to search around the friendlies and see if there was anybody moving towards the friendlies, wanting to engage the friendlies trying--'cause our entire job on this was defense of the friendlies. Once they got fired on and went from a DA to a defensive of friendlies if you will of--from and offensive to defensive in my mind. So some of the building I'd say probably because they were individuals inside and some of the building I would say because they were probably fire on from these building. But which was which, I couldn't tell you.

Q30 ((b)(3)130b, (b)(6)) Talk about, use of ((b)(1)1.4c, (b)(3) 50 USC 3024(i))

A30 (WITNESS): In general or in this instance?

Q31 ((b)(3)130b, (b)(6)) In general and then specifically in this instance.

A31 (WITNESS): Okay, ((b)(3)130b, (b)(6)) is what we can do if the--what we have done in other instances that the ground force wants us to stop a squirter from moving West so the gun objective, squirter squirts west, friendlies are coming from East of the objective, they want to chase them all the way down or they can chase them all the way down. We can put containment fires in front of them, hold them up and--it's a very difficult thing, especially around here with rocks, because of the change of collateral damage and the frag coming of the rocks, not just the weapons effect that we have to worry about. So we don't like doing it a lot, but we will. In an urban, what I would call a semi-urban environment, it gets a lot more difficult with all the protection that they do have. We did not, as I recall, we did not utilize containment fires in this case. We were clear to engage all targets. I do not remember the ground force calling for containment fires. And the decision on a direct engagement versus containment fires are up to the ground commander. Way I would describe us it's kind of highly mobile artillery in the sky. We're there for the ground force commander.

Q32 ((b)(3)130b, (b)(6)) Is containment fires, is that a doctrinal term, is that a doctrinal application of fires? Is that in a manual somewhere? I mean squirter is a doctrinal term.

A32 (WITNESS): It has become as I understand it, yes sir.

Q33 ((b)(3)130b, (b)(6)) It has become doctrinal term but containment fires I wonder that's a policy or is that a best practice that is being passed on from crew to crew or--and do you train on that? Is that part of your pre-deployment training?

A33 (WITNESS): Yes, sir. It's something that we do train with at home on occasion. As far as whether it's written in the doctrine? I'm not sure; I'm not sure if it's made it in there or not.

Q34 (INVESTIGATING OFFICER): So you ((b)(1)1.4c, (b)(3) 50 USC 3024(i))? As a technique you've offer to the ground force commander?

((b)(3)130b, (b)(6)) Would that be [inaudible].

A34 (WITNESS): It's--they are familiar. I would say they are familiar with it.

((b)(3)130b, (b)(6)) is conferring with ((b)(3)130b, (b)(6))

Q35 ([(b)(3)130b, (b)(6)] Did you a--the containment fires if it's not we'll go back to containment fires. Does that also include firing into a portal where you think it's the opening, for force people back in or out?

A35 (WITNESS): If we're trying to shoot into a doorway then I would not consider that containment fires.

Q36 ([(b)(3)130b, (b)(6)] You would just start shooting at court yard to keep people in a room or in a house.

A36 (WITNESS): In a court yard to keep somebody in enclosure, then yes, I can consider that, I can consider that containment.

Q37 ([(b)(3)130b, (b)(6)] [Inaudible] to keep people in the court yard.

A37 (WITNESS): Sure.

Q38 ([(b)(3)130b, (b)(6)] You were saying you didn't do any of that fires on [inaudible]?

A38 (WITNESS): I do not remember doing any of that. As I remember everything was cleared to engage.

Q39 ([(b)(3)130b, (b)(6)] There's a--talk me what is "danger close" for your systems, [(b)(3) 50 USC 3024(i)] and 40 millimeter?

A39 (WITNESS): The numbers or the definitions?

Q40 ([(b)(3)130b, (b)(6)] Both, give me both.

A40 (WITNESS): [(b)(1)1.4c, (b)(3) 50 USC 3024(i)]
[(b)(1)1.4c, (b)(3) 50 USC 3024(i)]
[(b)(1)1.4c, (b)(3) 50 USC 3024(i)]

Q41 ([(b)(3)130b, (b)(6)] And that's known as P₁

A41 (WITNESS): Correct.

Q42 ([(b)(3)130b, (b)(6)] Given the terrain mitigation and urban structure mitigation, does that number reduce at all?

A42 (WITNESS): It does, there's unless you talk to the weapons school guys, might have-- have some good numbers based on different things. I've not seen hard numbers. I'd--we kind of what we train to is, like that we had this night we shot a [(b)(1)1.4c, (b)(3) 50 USC 3024(i)] from the friendlies.

Well within (b)(1)1.4c, (b)(3) 50 USC 3024(i) The reason I was fairly comfortable doing that and that's right at my limit personally is a--they had wall and a building between them.

Q43 (b)(3)130b, (b)(6) So there's terrain mitigation.

A43 (WITNESS): Yes, sir.

Q44 (b)(3)130b, (b)(6) Okay, and what I'm getting at here is trying to define the character you know of this fight. How many of your engagements for danger close by a doctrinal definition?

A44 (WITNESS): In and I have to refer back to my NAVs logs but a--it would approach 50 percent as I recall it. It was high, high number.

Q45 (b)(3)130b, (b)(6) And is that a higher number than what your normally----

A45 (WITNESS): Very much, very much sir. If we get cleared danger close it's a pretty big deal.

Q46 (b)(3)130b, (b)(6) So in the procedures for danger close, how does that work? Who has to call danger close?

A46 (WITNESS): Ground force commander and we need to get his initials and the--we got those every time.

Q47 (b)(3)130b, (b)(6) All right, and so this fight started off really quite frankly with everything was danger close. So this was a--would you characterize this as a close in fight?

A47 (WITNESS): Absolutely.

Q48 (b)(3)130b, (b)(6) All right and you described it as defensive in nature rather than offensive.

A48 (WITNESS): Correct, yes sir.

Q49 (b)(3)130b, (b)(6) Okay, is there any point during the fight where it stopped being defensive and it was more offensive?

A49 (WITNESS): From my point of view, no. As the information that we were getting from the ground party was that they were continuing to take fire. We--the last set of movers that we observed ran into a building and I can't remember which building it was. But at that point maybe we could transfer to from defensive to offensive because as I recall we were being low on gas. We let the ground party know and the--you know I would--I know you all do to I wish that BDA tape was around was around, but a--I believe that they called that they were not taking fire. And I hesitate to say that because I can't recall for sure but a--I remember feeling that we

did not need to engage that building; we did not request clearance to engage the building. We called up the movers that went into that building 'cause they were struggling between a couple different buildings. Our concerns was that there were going into an arms cache and one and coming back to a firing position in the other. We called that to the ground party and they decided to clear that themselves as I remember. We were not cleared to engage that because all we had left were nine PROX rounds, our proximity rounds, are you familiar? Okay.

Q50 (b)(3)130b, (b)(6) For the record.

A50 (WITNESS): Sure, a PROX round is a (b)(3) 50 round that explodes approximately (b)(3) 50 USC 3024(i) (b)(1)1.4c, (b)(3) 50 USC 3024(i) is what the book says. So----

Q51 (b)(3)130b, (b)(6) [Inaudible.] what's your, is that the same 165?

A51 (WITNESS): It is, it is. The way that it--it's blast pattern it's distinctive well, so it takes a little bit different training and different targeting.

Q52 (b)(3)130b, (b)(6) So what [inaudible] all that?

A52 (WITNESS): 100 (b)(3) 50 and 25640s.

Q53 (b)(3)130b, (b)(6) And of those 100 (b)(3) 50 where they all--where they PD or they PROX?

A53 (WITNESS): And there were two different loads or--had [inaudible] they were still trying to get this fix. The airplanes had different loads. That load should have been (b)(3) 50 US (b)(1)1.4c, (b)(3) 50 USC 3024(i) but the NAVs log should have that. Should be (b)(1)1.4c, (b)(3) 50 USC 3024(i) slash delay we can switch. There's a switch if you if will on the round, it's a rotated screw whether it's PD, point detonate or delay.

Q55 (b)(3)130b, (b)(6) And do you recall how many PD vice delay round you fired?

A55 (WITNESS): I do not. I do not.

Q56 (b)(3)130b, (b)(6) So there's a--you can adjust the fusing?

A56 (WITNESS): On the point detonate or delay you can set the fuse to either one on that--that (b)(1) type (b)(3) 50 and then there's another (b)(3) 50 that is a PROX. That one is set.

Q57 (b)(3)130b, (b)(6) Is that a flip of the switch or is that physically manipulating the fuse or the round itself?

A57 (WITNESS): On the side of the fuse there is a recess flat head screw and you take a leatherman rotate it 90 degrees and that's the switch.

Q58 (b)(3)130b, (b)(6) So that has to be manually done.

A58 (WITNESS): Correct.

Q59 (b)(3)130b, (b)(6) It has a--what's the default fuse setting?

A59 (WITNESS): We've got----

Q60 (b)(3)130b, (b)(6) PD?

A60 (WITNESS): We have--I want to--it's up to the Fire control officer, but on the rack he'll set a certain number of (b)(3) 50 to delay and a certain number to PD. So we've got almost (b)(3) 50 USC 3024(i) (b)(1)1.4c, (b)(3) 50 USC 3024(i) if you will in the rack ready to go. And the can be adjusted.

Q61 (b)(3)130b, (b)(6) Which rack he fires out of, so he can toggle up--

A61 (WITNESS): Well we've got one large rack, the (b)(3) 50 is manually loaded. We got the rack and it's up to lead gunner. But normally they'll do it. And I used this as an (b)(1)1.4c, (b)(3) 50 USC 3024(i) (b)(1)1.4c, (b)(3) 50 USC 3024(i)

Q62 (b)(3)130b, (b)(6) [Inaudible]

A62 (WITNESS): For whatever. But the--and they'll just grab which ever one, the fire control officer has a--called for.

Q63 (b)(3)130b, (b)(6) And the FCO should now that?

A63 (WITNESS): Yes, sir.

Q64 (b)(3)130b, (b)(6) Who's deciding which round, when?

A64 (WITNESS): That is a decision ultimately up to me. But the--most of the time, I'll defer it to the Fire control officer with a 13 man crew we obviously have to work very well together. And based on our training against certain types of targets and certain situations there's a preferred round, there's still some weaponeering and still some discussions but the--I don't remember having in discussions--I'll take that back, we had a couple discussion where were trying to lower the collateral damage on the truck and peppering with 40s. We didn't feel like it was doing anything so we tried to put down the PD beside it, to try it to the guys underneath that were protected. That's--and the only weaponeering discussion that we had.

Q65 (b)(3)130b, (b)(6) With a--why did you use (b)(3) 50 in certain times or 40s is it up to Fire control officer?

A65 (WITNESS): (b)(1)1.4c, (b)(3) 50 USC 3024(i) You almost have to hit them in the forehead to have a good effect with it. Because what we-- use low yeild munitions, especially the 40. The 40 is good for starting fires, it's good against vehicles. The (b)(3) 50 in the (b)(1)1.4c, (b)(3) 50 USC 3024(i)

delay mode is what, it's preferred for a building. "Cause it will punch through the roof, explode inside and take care of anything on the inside. So as we want some building we moved to the delay. (b)(1)1.4c, (b)(3) 50 USC 3024(i) PD would be the round of

choice. (b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i) So we tried to hold that back unless we're in a good shot for it. Then we'll switch to it. And you know in an environment like this, is difficult to weaponeer.

Q66 (b)(3)130b, (b)(6) Talking about weaponeering, how many round do you use per building if you were saying that (b)(3) 50 USC 3024(i) might be reserved for a building, you may use the 40 for you know, push target or to do something to the target. About how many rounds, I guess eight compounds received damage. So looking at the breakdown of 82 round of (b)(3) 50 USC 3024(i) almost 44 (b)(3) 50 USC 3024(i) rounds per compound. Is that about right breakdown for--[inaudible]

A66 (WITNESS): No, because we did use--we did use some (b)(3) 50 USC 3024(i) for the guys out in the court yards. The PD works well, can't work well for that depending on where you are [inaudible] where the people are, were the blast pattern is. And each building, if you get one good direct, direct on top of building, depending on the type of building, then you can potentially do it in one. The size of these compounds is very difficult, especially from a slant range, we're (b)(3) 50 USC 3024(i) away. Trying to hit that we're what they call two mil system. Our guns are (b)(1)1.4c, (b)(3) 50 USC 3024(i) (b)(1)1.4c, (b)(3) 50 USC 3024(i) So feet's pretty large when you're talking about these compounds. So if we get them (b)(3) 50 USC 3024(i) which is not uncommon not a bad thing necessarily for us 'cause it's within the guns advertised limits then we do not do anything to that building 'cause hitting on the compound somewhere. So the--the what the sensor would be to offset. Based off of maybe the wind has changed, something has changed and we're trying get off for that. But to give you a good number for each building is going to be almost impossible.

Q67 (b)(3)130b, (b)(6) So in the weaponeering decisions, you know, you weaponeer for the greatest effect on the target. Do you also weaponeer for your collateral damage estimate?

A67 (WITNESS): We do.

Q68 (b)(3)130b, (b)(6) Collateral damage?

A68 (WITNESS): We do.

Q69 (b)(3)130b, (b)(6) Talk me through that decision process.

A69 (WITNESS): Okay, difficult part on that is knowing what our collateral damage estimate is allowed to be which on a DA we talked about that a lot. Figure out what, what are the no strike areas if you will, the safe zones, thing that we do not want to hit. And then we'll weaponeer based on that. On troops in contact situation then we're--we'll our best to limit as much as we can but we're not going to sacrifice a friendly for that. I rather hit them with a two pound

hammer even if a two pound hammer would do, but the--if it saves an American life then that's what I'm going to do.

Q70 ((b)(3)130b, (b)(6)) What were the two--you refer about 242 round of 40 MM. We talked a little bit about--do you remember primary use for them during the mission?

A70 (WITNESS): A lot--we were trying to use those as anti personnel. The 40 was shooting pretty good. And with the 40 versus the (b)(3) 50 USC 3024(i) you can get up to (b)(1)1.4c, (b)(3) 50 USC 3024(i) And it's a clear--and it's much easier to get out a lot more rounds more quickly versus the (b)(3) 50 USC 3024(i) where you going do (b)(1)1.4c, (b)(3) 50 USC 3024(i) and you're probably going to get six or seven based on the gun crew because it's manually loaded. Both of these are just artillery-ground artillery pieces that stuck on a plane. So against a person, a moving--moving personnel then the 40 can help because you can get---almost corral them to where you can get them into a corner and make it easier to get--to shoot them that way. That and then--so you would try to use that with the truck as I recall. Other specific instances I can't remember.

Q71 ((b)(3)130b, (b)(6)) With a--how often where you targeting people versus structures? That you recall? There were eight to eleven compounds targeted. Do you remember--

A71 (WITNESS): I'll tell you the entire time we were targeting people, there were instances where they were in the buildings, where we had to shot the building to get to them. As far as how many we shot outside and how many we shot inside, I don't remember.

Q72 (INVESTIGATING OFFICER): ((b)(3)130b, (b)(6)) Can you for the record give us, on an orbit, give us the CRM, who's talking to who and who's decision is for you to shoot? And I need you to address who's talking to the (b)(1)1.4c and take me through what we've began, talk about the last time on the VTC and that is probable clearances.

A72 (WITNESS): First of all our navigator is the one talking to the ground party. On every single mission it's where we divided up. The copilot is talking to air players; the navigator is talking to the ground party. The FCO pretty much owns the sensor operators, he's directing them, telling where to look at and they are reporting back to him. They're doing on a net that I still monitor inside the aircraft. So as, as the ground party for instance calls out, "Hey, we're talking fire from over here [pointing at GRG map]" the--everybody hears that, everybody in the aircraft has all the radios up. So everybody's situational awareness is high. So the sensors would immediately slew over there. The FCO tell the sensors, "Hey, do you see anything in this area?" and repeat that just as a back up. And he's also watching their sensor and following with them make sure they are looking in the right area. As they begin to search that area then the FCO is watching that screen, he's got both of their screens in front of him and so he can monitor that. That's really kind of up to the (b)(1)1.4c, (b)(3) 50 USC 3024(i) operator to call out what they see, what they're observing to the Fire control officer 'cause they are the ones who are trained on this system. The Fire control officer gets some training on it, I'll let (b)(3)130b, talk about that 'cause I don't, I don't--I'm not very familiar with his training, when it comes to the sensors. They are the ones who determine what it is, that sensor's seeing. Once that is, once they made that

determination, call it out to the Fire control officer if he has any questions or any discussion at all, that will occur there. And then he passes that to the navigator. They've got an internal--what they call and ISO net, isolated net. Navigator passes that to the ground party and ground party makes, does what they will with that information. When it comes time when--these--when the ground party sees something that they want to engage, if we see something for example, like I made the call--explain the caller--I think we said we were using as an example, "Three movers in the court yard associated with building two alpha." That's the call that the navigator would make. The next thing that we would expect to hear back from the ground party is that they want us to engage that. "Roger, copy--three movers in the court yard two alpha, can you tell, what does it look like they're doing?" Very common call if you don't get that call, if we don't tell them. And as the (b)(3) 5b'll report back to the FCO, navigator will relate that out of the aircraft and the--"Roger, copy all, you're clear to engage that target." So at that point then my job as a pilot, well I'm sorry, the FCO would make that sensitive primary source of guidance for the aircraft. 'Cause what we're doing is we're--we're spinning around target, we got a center point of our circle there, we can based that off many different things, whether it'd be the internal navigation system or one of the sensors. If that sensor that is looking at that target for that objective is not the--a primary source of navigation, then he'll switch that over. I'll get on geometry for the--for the shot--for the aircraft where it needs to be to hit the target and then we get into what they call the sing song. Where the fire control officer says, "Pilot you've got number six auto trainable, ready, FCO is ready." So what that means is the number six gun is the (b)(1)1.4c, (b)(3) 5b auto trainable is the mode of fire we can either do it with the guns moving upon hydraulics or we can fix them in case hydraulics break for whatever reason, then we can shoot the guns if they are fixed. So he's telling me the mode, telling me what condition the fire control system is in and that he's ready to go. NAV says, NAV confirms cleared to fire. And then it's up to me to call for the guns to be armed. At that point the engineer arms the appropriate gun. Then depending on the mode that we're in, if we're on auto trainable then I'd be--my trigger become a consent button if you will. We have to meet all these conditions inside the computer so that the round is going to hit the target. I hit the consent button saying I agree, aircraft commander can sense that this round can leave the aircraft. Then it's up to the sensor operator who's primary to hit their consent button when we both--when we both consent then the round leaves the aircraft. Is that what you're looking for.

Q73 (INVESTIGATING OFFICER): Yes, as you recall from this engagement, did you ever engage a target that the (b)(1)1.4c or the ground force commander didn't clear you for?

A73 (WITNESS): Never.

Q74 (INVESTIGATING OFFICER): Never? Okay. You said earlier that the--you get a REC--and already see indication that the BDA tape was working? Did you ever abort for BDA tapes not working?

A74 (WITNESS): No, sir.

Q75 (INVESTIGATIVE OFFICER): You never do?

A75 (WITNESS): Nah, I never had.

Q76 (INVESTIGATIVE OFFICER): Okay. Did you for this mission, assuming again as you stated here in a defensive posture, what conditions would you abort? Although you never have, have you thought about one might return because you don't have if you will evidence of the engagement?

A76 (WITNESS): The a--if I'm on the ground it--that's a tough one.

Q77 (INVESTIGATIVE OFFICER): That's what you get paid the big bucks.

A77 (WITNESS): Agreed. Everything is so situational independent if we're going out for a mission with a large CAS stack and I've got problems with my BDA recorder then--my--and I will continue to got if depending on what timeline, depending on the availability of the spare aircraft and depending on what other assets are out there, fires, assets are out there. I would prefer that the other fires, assets take the shot if they can and we can be the (b)(1)1.4a and we'll be the emergency call if need be. In a situation like this where we were briefed as the only fire's assets overhead then--if I got time to step into the spare aircraft and I know the spare aircraft is good with everything. Then I'm going to stick with what I've got. My first job is to protect the guy's lives on the ground and the BDA is back-up.

Q78 (INVESTIGATIVE OFFICER): Okay, so in this--on this objective since your job as you just said was to protect the friendlies, how do you feel as an aircraft commander being told that you're clear to engage what you believe to be enemy combatants going into buildings where in fact you have no clue, candidly, unless you want to state otherwise, is to what's in the building. You automatically know that that could bring with it civilian casualties which of course are non combatants. So explain to us the rationale by which you're seeing individuals, since you can't (b)(1)1.4c, (b)(3) 50 USC 3 since they're movement along the battlefield can be somewhat sporadic. You already know that if you're a non combatant in an area which it's getting pilfered you can do certain things to include getting out. So as the battlefield gets pretty confusing at this point, what's going through your head if the JTAC clears you on a target that they deemed to be hostile, knowing what's about to happen in that building. In which case you destroy, according to BDA seven of those. How do you process that and give me your methodology for hitting ultimately your consent button.

A78 (WITNESS): Sure, it's an uncomfortable feeling for me personally, I'll tell you that. I wish that the--that our sensors could pick that stuff out. I understand there is the technology that exists, understand that we are limited by the funding to get those sensors. But the--the way that--that I sleep at night, if you will; it is that I understand that close air support that me, my crew, my aircraft are a tool for the ground force commander. That we are there to support him and it becomes a trust issue at that point if you will. Understand his intent and he's the--he's the boss; he's the guy in charge. Our job, our ROE is to paint him as accurate of a picture as we can using all the tools that we have. The sensors, our situational awareness over the radios, you know,

we've got 13 folks on board listening and we've got an overhead view so we usually have very high situational awareness of what's going on with the battlefield. So, if we fulfill our job as a tool for the ground force commander, paint him an accurate picture of what we see and the--we don't talk him into any fires, we provide him an accurate view of what we have. Then it's up to him to make the decision. He's the--he's the boss if you--if he feels threaten by somebody who's running through an individual building, I'm not on the ground, I don't know what's going on down there. Then I don't know where fire's coming from. I don't--I have my Intel which seems to get a--you know, fairly standard around here, Al Queida, Taliban, TTPs. We get briefed all the time. Most of our Intel deals with of the ground to air threat. We also get the Intel that the ground folks the--before they go out as far as what's in the CON OP, as far as other things I don't know. So if he feels threaten and he feels that the--hey a building is warranted, then it's up to me to be there and to carry out that mission.

Q79 (INVESTIGATIVE OFFICER): No matter what may be under that roof?

A79 (WITNESS): As long as they are no obvious errors on his part, if I don't see anything where I can call or knock it off, then that's up to him.

Q80 ((b)(3)130b, (b)(6)) So, by that token, if you saw two guys firing from one building, run to another building and enter it and you'd also seen civilians running into that building with them. Then you would paint that picture to the commander on the ground.

A80 (WITNESS): If I could--if I have some way of knowing that those are civilians----

Q81 ((b)(3)130b, (b)(6)) Then you--in the context that you designate little people.

A81 (WITNESS): We can identify 4c, (b)(3) 50 USC to some extent. In fact we did identify one (b)(3) 50 USC 3024(i) that night I believe down in the 60 series. We identified them, called cease fire on that and the--pointed that out to the ground force and moved away from that compound, didn't come back.

Q82 (INVESTIGATIVE OFFICER): Did you ever knowingly join this mission fire on civilians?

A82 (WITNESS): Never.

Q83 (INVESTIGATIVE OFFICER): Did you ever get any indications from the (b)(1)1.4c and indirectly from the ground force commander, that civilians where in an area where you were preparing to engage?

A83 (WITNESS): Did not.

Q84 (INVESTIGATIVE OFFICER): Did you ever again and I'll ask it again, did you ever engage in a target that the ground force commander didn't clear you for?

A84 (WITNESS): No sir, we engaged--we were cleared to engage everything.

Q85 (INVESTIGATIVE OFFICER): And last is tell me when we got into a little bit in the VTC, you had said that there was a clearance on an individual on an open area, then at some point when you believed that those enemy combatants went in the building you got separate clearance.

A85 (WITNESS): Yes, sir.

Q86 (INVESTIGATIVE OFFICER): How do you deal those--exactly what is the terminology and the radio call that gives you clean guidance on what you're clear to engage?

A86 (WITNESS): Try to use plain English as much as we can, brevity when it's called for but plain English with the ground party in this type of situation. Say for example; let's go back to our three movers in two alpha. We call that out to them, "Copy, clear to engage." We begin engaging them. And they run into building two. At that point we stop firing. The Nav calls back to the ground force or to the JTAC rather says, "Hey a--these three, that we're engaging, we've got one of them but the other two have run into building two." And the--depending on the JTAC, he'll either come back, "Copy" or "Copy stand-by." He may ask, "Do you want to fire on building two? And that's out of our purview, that's--we're getting back to providing him the information, painting the picture for him. If he wants us to continue the engagement, which is what happened that night, "Copy, ran into building two, you're clear to engage on building two." "Roger, understand clear to engage building two." And the navigator that -- the crew is very good. And he would read that back. And the- I think--I think the (b)(1)1.4c wished things could have gone a little bit quicker that night, but we're very methodical on that, "Understand clear to engage building two." "Roger, clear to engage building two." And the--think where he--where he really got the--the area that he got frustrated--wished things would go quicker because every time he'd clear us to engage when we were within danger close, we re--validate it, danger close. And revalidate his initials every single time for that. So I'd say he got frustrated, I think that's--that was the here [pointing at the GRG map]. 'Cause he wanted to--'cause they were close, they wanted them--those guys gone right now, they didn't--he didn't wait for initials. But that's our policy, that's our guidance, and that's what we do.

Q87 (INVESTIGATIVE OFFICER): Okay, after your engagements, did you indicate that performed some sort of sweep?

A87 (WITNESS): Yes, sir. As--when we complete an engagement, we go back to the friendlies, put our sensors back to the friendlies and search the area unless they've--they've call out another--another objective or more movers or we're taking fire from over here. That's our standard practice, complete an engagement, check on the friendlies. We usually have one sensor, what is normal, typical most common, is to engage with the (b)(3) 50 USC 3024(i) and leave our television set back at the--watching the friendlies 'cause the friendlies have the strobes on (b)(3) 50 USC 3024(i) can see the strobes, (b)(3) cannot see the strobes. So it's (b)(1)1.4c, (b)(3) 50 USC 3024(i) And in our system we can tell distance between what the sensors are looking at. So that's how we know the

distance from the friendlies very quickly. So we go (b)(3) usually look on the friendlies, slay the (b)(1)1.4c, (b)(3) back to the friendlies then continue to look--look from there.

Q88 (INVESTIGATIVE OFFICER): Since the objective was building one, did you note any-- what probably were enemy combatants departing the area that you didn't keep track of?

A88 (WITNESS): Did they leave our field of view? Yes.

Q89 (INVESTIGATIVE OFFICER): Where? Which direction?

A89 (WITNESS): And I'll have to refer back to the--to the sensors on that. My belief is that most of them went North West. Running through these alley ways [pointing at GRG map] and the--to the truck I remember. These associated compounds and this was a lot like the alley way that I was looking at when we were engaging that guy.

Q90 (INVESTIGATING OFFICER): How many? Estimate.

A90 (WITNESS): That ran? Initially ran? I don't know.

Q91 (INVESTIGATING OFFICER): That departed the objective area?

A91 (WITNESS): I don't know.

Q92 (INVESTIGATING OFFICER): "Cause you obviously you were using your word that was doctrine not certified?

A91 (WITNESS): Squirters----

Q92 (INVESTIGATIVE OFFICER): Squirters, you were taking squirters and you engaged certain squirters. But your testimony of course you didn't engaged them all 'cause some got away, correct?

A92 (WITNESS): Sir.

Q93 ((b)(3)130b, (b)(6)) Could you estimate? Was it two, five, ten, twenty?

A93 (WITNESS): I honestly don't remember. And to be honest when we were engaging that, that kind of gets back to me looking outside, not being able to see guys two miles away on my (b)(1)1.4c, (b)(3) 50 You know, any numbers are--that I give--even the guy on top of the building, those numbers are based off of what my sensor, what I remember, my sensor reporting on the interphone.

Q94 ((b)(3)130b, (b)(6)) Two questions, what time did that happened? The guys leaving off the North West of--passage?

A94 (WITNESS): Early in the engagement.

Q95 ((b)(3)130b, (b)(6)) Did you communicate that down to the--to the (b)(1)1.4?

A95 (WITNESS): We did, we reported [pointing at the GRG map], "We've got guys up here, we've got guys here." And as we were engaging we called the they were "squirting."

Q96 ((b)(3)130b, (b)(6)) Did you say, "Squirters leaving North West from the objective?" How did you identify them?

A96 (WITNESS): Where we did that night? I do not recall but it is that is what should have happened. So I'm confident that it did.

Q97 (INVESTIGATING OFFICER): So the ground force commander then basically tells you what squirts to continue to track?

A97 (WITNESS): If he wants us to come away from that, from engaging that building. We do have two sensors which is great, but we've only got two sensors so we're using one on the friendlies, trying to keep them safe, one to engage building one and the--no other sensors to track the rest of them.

Q98 (INVESTIGATING OFFICER): Okay, thank you. All right. We're required to submit a report back to the Acting CENTCOM Commander by the 24th. We've asked for an extension but we've been waiting for a "thumbs up" which we think we'll get. But you can anticipate this to be done by the end of September. At the termination of that again, we'll give that to him because this is a classified report and the--he can decide what he wants to do with it after that.

A98 (WITNESS): Okay.

INVESTIGATING OFFICER: Other than that, thanks for serving our nation.

WITNESS: Sir, thank you very much.

(b)(3)130b, (b)(6) [Inaudible] includes [inaudible] don't discuss this [inaudible].

WITNESS: Absolutely.

(b)(3)130b, (b)(6) [Inaudible] until the--the thing is finalize just a--keep your conversation--the conversation that you had in here close.

WITNESS: Sure thing.

Encl 5

VERBATIM STATEMENT

OF

(b)(3)130b, (b)(6)

on

19 Sep 08

PERSONS PRESENT:

Brig Gen Mike Callan, Investigating Officer (IO)

(b)(3)130b, (b)(6) Deputy Investigating Officer (DIO)

(b)(3)130b, (b)(6) Legal Advisor (LA)

(b)(3)130b, (b)(6) Witness (WIT)

IO: About the Azizabad incident.

WIT: Yes, sir.

IO: So I was given a couple CENTCOM orders and my Staff, (b)(3)130b, (b)(6) and Lieutenant (b)(3)130b, (b)(6) is from the JAG Staff, and welcome. Take off your backpack and get comfortable, unless of course you want to talk and walk around.

LA: (b)(3)130b, (b)(6) as you know this is an informal investigation, so I'm going to have you swear to the evidence that you're about to provide.

WIT: Yes, sir.

[The witness was sworn.]

LA: Go ahead and take a seat. State for the record ■ we're recording this, by the way, because I can't write that fast. Could you please provide your full name, your social, and your unit of origin.

WIT: Yes, sir. (b)(3)130b, (b)(6) I'm a (b)(6) and social security is (b)(6)

LA: And you're out of (b)(6) originally?

WIT: Yes, sir. Out of (b)(6)

LA: Your witness, sir.

IO: Okay. With the formalities done, relax.

WIT: Yes, sir.

IO: As Bill said, this is an informal investigation to get to the truth in terms of exactly the disparity between primarily the casualties that are being claimed if you go by other sources that contradicts to some degree with (b)(3)130b, (b)(6) investigation.

WIT: Yes, sir.

IO: So we're here to find the truth, and nothing more and nothing less.

WIT: Yes, sir.

IO: As you know we've been in country for ■ well, some time in Germany, too much time in Germany even though I love Germany ■ and we've been here four or five days. Multiple sources, and I think the second day we were ■ spent significant time both with VTC with the ■, (b)(6) guys from Ramstein, and then about four or five hours at the compound going over a lot of details with (b)(3)130b, (b)(6)

WIT: Yes, sir.

IO: So, the bits where you come in is, I'd like to start this briefly, again, we are going to digitally record it to take notes and capture it your testimony with regard to making sure we've got the facts straight from the horse's mouth so to speak.

WIT: Yes, sir.

IO: Even though you've been called probably worse things. Give us from your perspective being an intel professional with the (b)(6), give us ■ I'll call it an overview with regard to the mission, how it came about with regard to ■ take me kind of up to from your perspective the planning, five to ten minute overview, that kind of takes it up to I understand a phone call came and take me kind of up to that stage.

WIT: Yes, sir. Real quick, sir, I was the deputy J-2, I am the deputy J-2. I was deployed forward to Shindad to work with the commandos and work for Operation AIRAM TANDER, which began on 15 July. So my role out there was working with the intel direct support team, kind of leading and guiding those guys. And our job is basically to coordinate all the intelligence support for targeting for the upcoming operations. Sir, after we air assaulted into ZERKO Valley on the 16th of July ■ some of the reporting we started getting ■ I'm setting the conditions as to how we got all the way up to where we were ■ we started getting some reporting that some of the elements can relocated out of the ZERKO Valley north into the town of Azizabad, specifically an IED cell. We were still focused on the ZERKO valley, but you know it was one of those things that we stored away in the back of our mind. On the ■ I had to get my timeline together. On the 25th of July, after we came out of the Valley, we did a full scrub of all of our targets across the battlespace, and one of the targets identified that we thought we had placement and access to was MULLAH SEDIQ. MULLAH SEDIQ operates in central FARAH, south of our operating area there in Shindad, and basically in the battlespace from two of the other teams

out of FARAH city. So as I said, as we started looking at targets and seeing who we had access to and who was actionable, MULLAH SEDIQ'S name popped up, and as I said that was on the 25th of July. On the 26th of July, I began coordinating with the CJSOTF targeting cell in order to take the lead on MULLAH SEDIQ. MULLAH SEDIQ had been nominated by Task Force 45, which is the Italian SOF earlier in the summer, I believe in June, and since they were the nominating agency, they were the action lead action arm. We coordinated through Major Tucker at the CJSOTF targeting cell as well as the ISAF cell down here, and Task Force 45 said go for it, go for it, and you know, you guys can take lead on him. So this was on or about the 26th of July, so we began sensitizing our collectors and started listening for him on (b)(1)1.4c, (b)(3) 50 USC 3024(i) (b)(1)1.4c, (b)(3) 50 USC 3024(i)

IO: How did his name come up?

WIT: He was a JPEL target, sir.

IO: No, I don't mean in that sense, you said his name came up. In what context, was it off of (b)(1)1.4c, (b)(3) 50 USC 3024(i) hits on

WIT: As we scrubbed the target deck, sir, and seen who had fled and who hadn't, his we had HUMINT reporting that he was still operating in his traditional operating area well south of where we were in Shindad. Specifically and FARAH, so we started keeping an eye on him, we started we sensitized our HUMINT collectors, both ASO, which is our special forces collection, as well as our MSO, military source operations, our HUMINTers, out of FARAH and Shindad as well as the CJSOTF on the (b)(3) 50 USC 3024(i) side of the house, saying here's who our targets of priority are. And basically, you know, we notified we notified everybody that we're starting to look at this guy, we've identified as the lead action arm on him. So things were kind of quiet, sporadic reporting about him, he wasn't our main focus, he was kind of a supplemental target. Our main focus was (b)(6) and some of the others that operate in the ZERKO Valley that we were trying to chase down. Again, we on the 27th of August, a month later, we started to get a little more HUMINT reporting about him, nothing actionable, but basically had he's still operating in central FARAH and sometimes in the southern Shindad district. So basically we ensured we added him to our targets of focus slide and we notified the CJSOTF. Specifically what that does is it also has them start listening to him on the (b)(1)1.4c, (b)(3) 50 USC 3024(i) That was so then as I said we had sensitized our collectors for about three weeks. On the 20th of August, (b)(3)130b, (b)(6) which is one of our ASO level threes, a (b)(3)130b, (b)(6) he identified a developing location for SEDIQ. Basically he had met with some of his sources and they said hey, there's a possibly that SEDIQ is going to be coming up here for this remembrance ceremony. And to give some background on the remembrance ceremony, there's two clans that are actually related down there in Shindad area. There's a guy named (b)(6) who we've all heard about in the open (b)(6) is one clan, and then you have the then you have REZA who is the other clan, okay? So with these two clans, (b)(6) had killed his own cousin which was a guy named TIMOR SHAH. He killed him I believe on December 27th 2007, so basically you have these two cousins that are fighting over fighting over basically contracts and stuff like that. So (b)(6) killed his cousin TIMOR SHAH. Now I guess in the Afghani culture they can have the remembrance ceremony up to a year later. So TIMOR SHAH'S cousin was REZA, they're all cousins. TIMOR SHAH is dead, REZA was operating in

Azizabad and then you had (b)(6) who operates south of Azizabad. And as I said those two are rivals.

IO: (b)(6) and REZA.

WIT: (b)(6) and REZA, yes. They are cousins but they are also rivals. Okay, so then, this is kind of confusing. We have our level three, our ASO level three, he basically says hey, SEDIQ might be coming up from FARAH for this remembrance ceremony for TIMOR SHAH. And we're like well hey, there's an opportunity, let's look further. So the ASO level three, basically he tasked his source to go out and get GPS grids from where he thought these guys were going to be meeting. And when the guy went out and GPSed the grids, he GPSed REZA's house and then another house to the east of it, and he said yeah, this is where we think it's going to be.

LA: Now ■ sorry, sir.

IO: I'm just going to let him get the overview, and then we can go back and get questions.

WIT: At the same time, so ■ and I know this is a question on a lot of people's minds ■ the source was part of the (b)(6) clan.

IO: And we're going there big time.

WIT: Yes, sir.

IO: So again, just the overview, as to the OPs and then we'll come back at you.

WIT: Yes, sir. So the source is a part of the (b)(6) clan. Through a separate associate of (b)(6) we also confirmed that SEDIQ was supposed to be coming up. Now here's the twist. REZA (b)(1)1.4c, (b)(3) 50 USC 3024(i) Inadvertently we got REZA to say that SEDIQ was coming. (b)(1)1.4c, (b)(3) 50 USC 3024(i) we got REZA to say yes, SEDIQ is coming up, we also verified that SEDIQ was REZA's nephew, okay?

LA: Would you repeat the second sentence again? The second part.

WIT: Yes, sir. (b)(1)1.4c, (b)(3) 50 USC 3024(i) we confirmed that REZA was operating out of Azizabad, and REZA's nephew was SEDIQ. And SEDIQ was coming up for this TIMOR SHAH's remembrance, okay? So we have some good grids, we've got three sources, (b)(6) (b)(1)1.4c, (b)(3) 50 USC 3024(i) and he inadvertently was telling us that, hey, SEDIQ is my nephew and he's going to be coming into the area. And then we have an (b)(3) 50 USC 3024(i) who was part of the (b)(6) clan, you know, just a developmental source that said SEDIQ was coming up. So we're looking at three sources, which is pretty good for us. There was also some vague (b)(3) 50 USC 3024(i) (b)(1)1.4c, (b)(3) 50 USC 3024(i) that SEDIQ might be coming into the Shindad area. And from there we started really looking forward because we thought we got three separate sources, one from, you know, two from one clan, one inadvertently from the clan that SEDIQ is sided with, and we have GPS grids. So we started ramping up a little bit, you know, the source came back in on the 20th as I said with the two GPS sites. On the 21st, (b)(3) 50 USC 3024(i) confirmed the family relationships

between REZA and SEDIQ. (b)(3) 50 USC 3024(i) also corroborated background and other associated information. We knew (b)(3) 50 USC 3024(i) as I said, we knew REZA was a (b)(3) 50 USC 3024(i) (b)(3) 50 USC 3024(i) We told (b)(3) 50 USC 3024(i) that they we're looking at doing a raid in that village, possibly at your source's house, this isn't going in guns blazing, we're going in basically to capture SEDIQ who is a NVI JPEL target, so (b)(3) 50 USC 3024(i) they were tracking.

So then on the 21st at 0430 Z, approximately 0430 Z, the level three (b)(3) 130b, (b)(6) (b)(3) 130b, (b)(6) had his source meet, and basically the source reconfirmed the GPS grids of the two locations where the SEDIQ was going. At the same time they also met with a (b)(3) 50 USC 3024(i) who was associated with that source and that (b)(3) 50 USC 3024(i) was going to be at REZA's house that night. So we're starting to develop our actionable trigger. We have the locations, we started working up some CONOPS, we actually have something that a HUMINT source that's going to be on the objective and be able to pass information.

DIO: (b)(3) 130b, (b)(6) what control did you have over the source?

WIT: For?

IO: I mean, the source, how many time times had you used him, what control if any did you have over him?

WIT: Sir, the best person to answer him is (b)(3) 130b, (b)(6) This source is (b)(3) 130b, (b)(6) I don't know. Basically he's been a long standing source, sir. Has responded to our taskings. He has never deceived us that we've seen, and we always try to go back and corroborate his reporting, sir. So I would say we have good control over him.

LA: That's the (b)(3) 50 USC 3024(i)

WIT: The (b)(3) 50 USC 3024(i)

IO: And what's his name?

WIT: I do not have his name, sir.

IO: We can ask it?

WIT: We just know him as (b)(6) As his code name (b)(6) I mean as his source number.

IO: Continue please.

WIT: So things are starting to align for us. As I said, HUMINT trigger, GPS grids, confirmation through REZA inadvertently that SEDIQ could be up in the area for the TIMOR SHAH remembrance. And so basically the level three, our ASO level three tasked the source, who tasked the (b)(3) 50 USC 3024(i) who said give us a call if SEDIQ shows up. As I said this is on the 21st at 1130 Z. We have our normal HUMINT sync meeting there at Fire Base Thomas. And we all talked about it and I actually started building the intel tip with the GPS grids with basically macro GRG, micro GRGs, our standardized products. However, we did not have a trigger at that

point. (b)(1).4c, (b)(3) 50 USC 3024(i) As I said (b)(3) indicators that he was possibly in the area, definition (b)(1).4c, (b)(3) 50 USC 3024(i) saying that we could be coming into the area, and then (b)(1).4c, (b)(3) 50 USC 3024(i) that said he could be coming to the area, but we did not have a trigger saying X marks the spot, here he is.

LA: The other (b)(3) 50 USC 3024(i) was REZA himself.

WIT: Yes, sir, REZA (b)(1).4c, (b)(3) 50 USC 3024(i) is the second (b)(3) 50 USC 3024(i) and I got the source from before, I think it's (b)(1).4c, (b)(3) 50 USC 3024(i). So things are starting to line up, guys started doing an OP planning on it, but as I said, we make it clear, this is a HUMINT based trigger, we have nothing to confirm or deny that SEDIQ is there. Okay on the 21st at 1300 Z, the source called back with the information about the Taliban SHURA and Azizabad, Taliban Shura as I said (b)(3) 50 USC 3024(i) these guys were the FARAH-based Taliban coming up for this memorial. As I said, SEDIQ had been operating in central FARAH, had not come up to the Shindad area, and the source through his (b)(1).4c, (b)(3) 50 USC 3024(i) called back saying hey look all these FARAH Taliban have come up to Azizabad they're waiting on SEDIQ's rival and then we will notify you again if SEDIQ arrives.

At approximately 1400 Z, the TCC tip was built and pushed to the team leaders for parallel planning, with the clear understanding that this is a HUMINT based trigger, nothing to say SEDIQ is there, however, we wanted to have our stuff lined up in case this (b)(3) 50 USC 3024(i) this was basically a developing TCT, Time Critical Target. At approximately 1430 Z on the 21st of August, the source called and confirmed that SEDIQ was at target location number one, building number one on the GRG, he also gave some extensive enemy disposition about the lookouts, where they would flee to, and that gave us our final SITTIP for the mission brief.

Mission got briefed up, started at the same time going through the CJSOTF and ISAF process, but at the tactical level we had our mission brief at 1730 on the 21st. That's our final mission brief, ISR, we're trying to get (b)(1).4a to get eyes on the target so that we could get start to see some of the visual signatures that we're used to seeing; multiple vehicles arrivals, military-age males, look-outs, that type of thing. We were unable to get into (b)(1).4a prior to and the only ISR platform that was provided for the operation was actually task platform which was the (b)(1).4a and we didn't (b)(1).4a got on station basically right as we hit the target, so we were unable to develop (b)(1).4c, (b)(3) 50 USC 3024(i) prior to the execution of the operation. That led us up to (b)(3) 50 USC 3024(i)

DIO: Let's stop there on (b)(1).4c, (b)(3) 50 USC 3024(i) I've heard (b)(1).4c, (b)(3) 50 USC 3024(i) used several different times. When you're using partner or life, what exactly were you looking for and what pattern of life were you looking for, were you looking for woman and children pattern of life, who else was on the objective or were there vehicles associated with MULLAH SEDIQ that you were looking for.

WIT: We did not have that level of fidelity on types of vehicles, sir. As we develop (b)(1).4c, (b)(3) 50 USC 3024(i) we don't want to look just at the target location but at the surrounding structures. Specifically looking for woman and children, if this was a joint operational fire strike, that's the number one think that we're looking at, but since this is a ground assault, a snatch and grab type operation, woman and children, you know, we were not planning to employ joint operational fires against it, so woman and children were identified and we try to be able to put that into our final mission brief if we were able to develop (b)(1).4c, (b)(3) 50 USC 3024(i) on this target. We look for vehicles, men (b)(3) 50 USC 3024(i) solders, military age males, as you guys know with the (b)(1).4a sometimes it's very hard to determine if they have weapons or not and maintaining our maximum stand off of the target and basically just kind of getting a sense of the vibe of the village, looking at our in field routes,

looking at possible compromise locations and as you guys know there was some risk with this, there was some signature risk with this operation was they were pushing for the asymmetric in field using local vehicles as the main effort. With the supporting effort ten minutes behind. But as I said, since this was a ground-based operation, we were focused, you know our prime question that we were trying to answer if we had been able to get a (b)(1)1.4a would have been military age males, vehicles at that location which indicates a Taliban meeting going on. Because the people of Azizabad are pretty poor, so when you see three or four vehicles at one location that's a good cater.

DIO: How many vehicles were object stations outside of the water truck?

WIT: Sir, I was not on the objective I was at fire base Thomas in the SCIF, sir. So I can't chance that educated with clarity. In my role throughout the operation was coordinating (b)(1)1.4a, (b)(3) 50 USC 3024(i) indicators that would have come through the special collection team that was located with the support element as well as relay any other (b)(3) type information to them. If a (b)(1)1.4a had been on station, we would have been directing the (b)(1)1.4a from the SCIF at Fire Base Thomas until the JTAG got on the ground and operational, and then he would take control of it, but as I said no (b)(1)1.4a was used in this operation.

IO: For the Air Force folks in the room, how about can you give me the layman's explanation on (b)(1)1.4c, (b)(3) 50 USC 3024(i)

WIT: Yes, sir.

IO: Those are airplanes, for the record.

WIT: Yes, sir. On the ■ I don't have the chart in front of me. A-1 is the most reliable HUMINT source out there. And it means it responds to your taskings, you validated, he's a recruited source, (b)(3) 50 USC 3024(i) being no history, no reporting history, no it's a hit or miss with an (b)(3) 50 USC 3024(i)

IO: So it's an intel categorization.

WIT: Yes, sir. It's a HUMINT categorization, and actually I do think I have a standard definition of a (b)(3) 50 USC 3024(i) description this is the primary source as I said. (b)(6). This is the primary source using who was using a (b)(1)1.4c, (b)(3) 50 USC 3024(i) to notify us about the meeting. The source description is an Afghan male with direct access to the information. Source motivation for reporting is the result from past favorable experiences with coalition forces and the well being of his family. (b)(1)1.4c, (b)(3) 50 USC 3024(i) which is fairly reliable.

IO: And obviously (b)(1)1.4c, (b)(3) 50 USC 3024(i) and better than that.

WIT: Yes, sir. And information reliability is three, is possibly true. The standard kind of a cross here is (b)(3) 50 USC 3024(i) or better is you're pretty confident that this is good intel.

IO: Did he and his family live in Azizabad?

WIT: No, sir.

IO: No. Where?

WIT: I can't tell you. I think [REDACTED] I know that's [REDACTED] (b)(6) clan operates south of Shindad. I don't know specifically where this guy's house is, but he could [REDACTED] but the guys when they get to Shindad can give you that information, sir.

IO: He's not considered Taliban, is he?

WIT: No.

IO: Okay so other than obviously [REDACTED] (b)(3)130b, (b)(7) working this source, we're kind of having to go outside the neighborhood here to get some intel, right?

WIT: Yes, sir and that's why the [REDACTED] (b)(3) 50 USC 3024(i) that he had.

IO: He was a local?

WIT: Was a local in Azizabad. And some other stuff I forgot, I haven't clarified. This source went on the objective with our level three and that is a common TTP for us, for the source to go with the level three so they can point out Taliban, this is who this guy is, this is who that guy is.

IO: So your [REDACTED] (b)(3) 50 USC 3024(i) went on target with the [REDACTED] (b)(3) 50 USC 3024(i)

WIT: No. He went on target with the assault force, sir.

IO: And the reason is like you said he did not have placement and access into that village and unfortunately his [REDACTED] (b)(3) 50 USC 3024(i) was also killed in the operation and the guy was visibly upset from what I was told in the debriefing following the mission.

DIO: His [REDACTED] (b)(3) 50 USC 3024(i) was killed?

WIT: Yes, sir. His [REDACTED] (b)(3) 50 USC 3024(i) was a local in Azizabad.

DIO: And he got mixed up in the fight?

WIT: Yes, sir. I believe he was at target building number one. Additionally, the [REDACTED] (b)(3) 50 USC 3024(i) REZA, was killed and he was the owner of building number one, the primary.

IO: Okay, great. How does that happen, when you have a [REDACTED] (b)(3) 50 USC 3024(i) who is validating this, and you're going on the objective at the Shura to get one guy, how does the guy who basically was corroborated the trigger to allow you to accomplish this GAF, how does he get whacked?

WIT: Well, REZA did not know that this operation was going down. As I said he inadvertently through DH confirmed that SEDIQ was his nephew, SEDIQ could be coming into the area, however the way we [REDACTED]

IO: So I'm clear, (b)(1)1.4c, (b)(3) 50 USC 3024(i) ?

WIT: (b)(1)1.4c, (b)(3) 50 USC 3024(i) sir, I'm sorry.

IO: Okay.

WIT: (b)(1)1.4c, (b)(3) 50 USC 3024(i) totally separate, (b)(1)1.4c, (b)(3) 50 USC 3024(i) that's running.

IO: So through intel corrections, you're tied into them?

WIT: Yes, sir. Yes, sir.

IO: Okay. But so, he doesn't know that (b)(1)1.4c, (b)(3) 50 USC 3024(i) has intercepted what? Telephone transmissions, or some

WIT: No, sir. The (b)(1)1.4c, (b)(3) 50 USC 3024(i) was running (b)(1)1.4c, (b)(3) 50 USC 3024(i) In their normal discussions with REZA, they said hey, what do you know about SEDIQ. Oh, SEDIQ is my nephew, he might be coming up here for a celebration we're having, et cetera. REZA did not know an operation was going down. Now the (b)(1)1.4c, (b)(3) 50 USC 3024(i) was sorry.

IO: Did REZA know that that SEDIQ was a HVI?

WIT: I don't know, sir. I don't know. I would assume so, sir, but you know our JPEL list obviously isn't shared with those guys.

IO: So he was basically being worked by (b)(1)1.4c, (b)(3) 50 USC 3024(i) but what he knew and its connection to, in this case, an operation being planned, we have to assume that he might have assumed, but we don't know, and we know that we're not sharing that information with him.

WIT: Yes, sir.

IO: So to you and I, my old 95 model, this is kind of like the hidden list in Sarajevo and BH and there's the secret list which the (b)(1)1.4c, (b)(3) 50 USC 3024(i) released to go after guys and then there's ones that are public, and there is two separate (b)(1)1.4c, (b)(3) 50 USC 3024(i) I see a parallel here where this secret list is something that the (b)(1)1.4c, (b)(3) 50 USC 3024(i) in some cases the (b)(1)1.4c, (b)(3) 50 USC 3024(i) know nothing about.

WIT: Yes, sir. Now when you're asking about (b)(1)1.4c, (b)(3) 50 USC 3024(i) okay, so the (b)(1)1.4c, (b)(3) 50 USC 3024(i) on the objective. Obviously we didn't want to kill our (b)(1)1.4c, (b)(3) 50 USC 3024(i) The standard operating TTP that we've done many times is you go in and you roll up everybody. What that does is it doesn't isolate the (b)(1)1.4c, (b)(3) 50 USC 3024(i) it actually builds their street credibility of (b)(1)1.4c, (b)(3) 50 USC 3024(i) they get rolled up, they get released, you know, and it helps their basic street credibility and that way they're not isolated from their elements.

IO: So I'm clear, during the OP, your source the, if you will out of neighborhood guy to the south, where was he during the execution of the operation?

WIT: He was with (b)(3)130b, (b)(6) on the assault.

IO: So he was there the entire time?

WIT: Yes, sir.

DIO: Did (b)(3)130b, (b)(6) have control of him the whole time?

WIT: I believe so, sir.

DIO: Okay.

IO: Well, stay on that theme. (b)(3)130b, (b)(6) is he on the OP?

WIT: Yes, sir.

IO: He was?

WIT: Yes, sir.

IO: So basically him and the source were part of the ME or the 10-minute behind?

WIT: Ten-minute behind, sir.

DIO: And that's standard?

WIT: Yes, sir.

DIO: That the handlers has got him all the way through the objective until they're off?

WIT: Yes, sir. They are at arm's length because, you know ■

IO: Before you get off that thing again, let's stay on him. Did the handler and the source participate in the SSE?

WIT: I don't know, sir.

IO: Okay. We need to ask (b)(3)130b, (b)(6)

LA: But he would go through and identify who might be Taliban?

WIT: Yes, sir.

DIO: He was there to PID SEDIQ?

WIT: Yes, sir. He was there to PID SEDIQ as well as he was there to PID other dead Taliban. And as I said, I believe they took part in the SSE, sir, but [REDACTED] because I was told that hey, we went through and he saw his [REDACTED] had been killed and he was obviously visibly upset but [REDACTED] and the guys on the objective would have to [REDACTED]

LA: How did the [REDACTED] die?

DIO: Probably by [REDACTED]

WIT: Probably by [REDACTED] sir.

LA: I'm just curious if they knew.

DIO: Let me walk the dog here, okay. Legitimate target, SEDIQ is on JPEL list.

WIT: Yes, sir.

DIO: No questions. The HUMINT trigger is by [REDACTED] and you started to say earlier is kind of the minimum acceptable that you'll take?

WIT: Yes, sir. It's [REDACTED] nobody likes to go off of an [REDACTED] sometimes if you have [REDACTED] that would corroborate it, it would, but in this case since it was a HUMINT based trigger, [REDACTED] as low as we want to go, sir.

DIO: And it's a single [REDACTED] basically a single source trigger.

WIT: Yes, sir.

DIO: Okay. And the fact that [REDACTED] go ahead.

WIT: I was saying with two other sources corroborating that he was likely in the area, but one [REDACTED]

DIO: One of those is being the [REDACTED] that works directly for the source?

WIT: Negative, sir. Negative sir.

DIO: No? Okay.

WIT: Source and your [REDACTED] then you also had another one of [REDACTED] who [REDACTED] inadvertently [REDACTED] was inadvertently was confirming it, as well as another source, [REDACTED] So there's basically four individuals that were [REDACTED]

LA: Oh.

DIO: So you had an [REDACTED] what was the [REDACTED]?

(b)(1), (b)(3) 50 USC 3024(i)

WIT: Yes, sir.

DIO: So you had [REDACTED] 4c, (b)(3) 50 USC 3024(i)

WIT: Yes, sir.

LA: And [REDACTED] 4c, (b)(3) 50 USC 3024(i)

WIT: [REDACTED] 4c, (b)(3) 50 USC 3024(i)

DIO: [REDACTED] 4c, (b)(3) 50 USC 3024(i)

IO: What's the [REDACTED] 4c, (b)(3) 50 USC 3024(i) considered?

WIT: That's not [REDACTED] they don't get a rating, sir.

DIO: It's his own dude.

IO: Makes sense, but I just lost track there.

DIO: And the fact that MULLAH SEDIQ was on target was phoned in by the [REDACTED] 4c, (b)(3) 50 USC 3024(i)

WIT: Yes, sir.

DIO: He said, hey, he's here.

WIT: Yes, sir.

DIO: Who provided the GPS grids, the source or the [REDACTED] 4c, (b)(3) 50 USC 3024(i)

WIT: I'm not sure, sir. I believe the source got it from the [REDACTED] 4c, (b)(3) 50 USC 3024(i) but [REDACTED] (i)

DIO: So this guy's inside the family?

WIT: Yes, sir. The [REDACTED] as I said, level three is going to have to answer [REDACTED]

DIO: What's the motive of a guy that is obviously in that tight with REZA and you're gonna have MULLAH SEDIQ come into town that he would offer up basically his family, put his family in the cross fire, people that he knows, his really actives in the cross fire of a capture/kill?

WIT: I can't answer that I personally can't answer that because I didn't meet with the source, sir. I think a level three would be able to give some better insight into that specifically with [REDACTED] he says his just occasion is you know, basically his favorable experience with us as well as the well being of his family which obviously contradicts what we were talking about. And the financial because the sub, the [REDACTED] 4c, (b)(3) 50 USC 3024(i) he develops his own [REDACTED] 4c, (b)(3) 50 USC 3024(i) networks so he takes his cut

LA: Why would they ■ now this is going to be an education for me. Why would an associate of (b)(6) (b) ■ the 4c, (b)(3) 50 US be allowed into the home? I know they're all related somehow, but ■

WIT: That's the thing, sir. As I said these guys are all ■ as I said REZA and (b)(6) are cousins. I mean it's all Hatfield and McCoy's type from my understanding.

DIO: Hey, hey.

WIT: Sorry, sir. But you know as I said, it is this financial contract issues. The reason (b)(6) killed TIMOR SHAH, his own cousin was to try to get more contracts. And we subsequently fired (b)(6) and all of his guys because he went out and shot his cousin in the head.

DIO: So I mean it is not beyond the pale that this was all tribally motivated. I don't think it's ■ yeah there were Taliban that were supposed to be there, the Taliban Shura, that was also part of this memorial.

WIT: Yes, sir. TIMOR SHAH.

DIO: So those two ■ those things were running parallel and concurrent and were kind of one in the same.

WIT: Yes, sir.

DIO: Is this not tribally motivated? I mean it looks like it.

WIT: I think looking at it as tribe, sub-tribe, and clan motivation is a better description of it, sir, because when you say tribe you think ■

DIO: Clan motivation, Okay.

WIT: Yes, sir. Clan motivation is ■

DIO: Can you get a diagram of the ■ you know how this breaks out tribe, clan family?

WIT: Yes, sir, I can get something like that for you.

DIO: That would be helpful. Because one of the things that we have to certainly address is the claims that this was ■ that we were duped by bad intel.

WIT: Yes, sir.

IO: Why don't we get that on the record. Again, as you know, the interior minister on behalf the president released a statement that basically said this was tribal rivalry, this target deaths.

WIT: Yes, sir.

LA: What's your explanation to counter that?

WIT: Well they're all part of the (b)(6) tribe, so technically in tribal ■ you have your tribe, your sub-tribe, and then your clans. These guys are all within the same tribe, and I believe the same sub-tribe, and it's basically clan on clan. It is ■

DIO: How do you spell that tribe, (b)(6) ?

WIT: (b)(6) sir, (b)(6)

DIO: (b)(6) tribe.

WIT: They are both part of the (b)(6) tribe. And there's a lot of tribal and fighting between the (b)(6) tribe and other tribes out there. But this was not a case ■ this was not the case in this situation. As I said, this ■ in my opinion this was clan on clan based on financial motivations. The reason we would have been very apprehensive to do this operation based solely on the information from (b)(6) associates period. There's some vague (b)(3) 50 that said SEDIQ was coming up to the area and then we the information we received from (b)(3) 50 confirming hey he's my nephew, he might be in the area, that way we basically we had both sides of the story that he would be this JPEL target could be coming up to FARAH into a location nine kilometers from our fire base, which we looked at was a very target rich ■ you know, was worth the TCT.

IO: The financial motivation was to gain control over contracts that were lost when TIMOR SHAH was killed?

WIT: I believe so, sir. If (b)(6) associates can further marginalize REZA then there's more contracts, road contracts and stuff that the (b)(6) clan might be able to gobble up based on ■ you know, based on either the death of REZA or the marginalization of him.

IO: Because the competitive clan heavies are now eliminated?

WIT: Yes, sir.

IO: Okay but I'm still ■ there's still a little bit of conflict between ■ you said the initial motivation for the guy that was killed nine months ago, we stopped dealing with him?

WIT: Yeah, we cut (b)(6) and his associates off-completely, we said we fired all their guys and REZA's guys got some of the contracts.

IO: Good. So (b)(6) wants to continue.

WIT: Yeah, so (b)(6) wants to get some of that back. He knows he's not going to get it back from us, however, taking out SEDIQ who is a family member of REZA or REZA himself obviously would be beneficial for him to do it.

IO: If he doesn't do it, if they're eliminated but he doesn't do it, then we do nothing about it.

WIT: Yes, sir.

IO: Right? If we're aware that he does something about it, we whack him again.

WIT: Yes, sir.

IO: Which actually may, in fact, may hurt him more than had he done nothing.

WIT: Yes, sir. And so we [REDACTED] as I said we focused on making sure we had REZA the eventually confirming the family relationships and rolled into your assessment that SEDIQ would be coming up from FARAH, that we didn't take all of your information from this clan and conduct the operation. That's the biggest point I'm trying to stress.

LA: Did somebody from [REDACTED] collect the information from REZA?

WIT: This was in coordination between [REDACTED] (b)(3)130b, (b)(6) who is one of the Marines that DST head chief and one of the [REDACTED] case officers.

DIO: [REDACTED] (b)(1)1.4c, (b)(3) 50 USC 3024(i) ?

WIT: Yes, sir. It's a [REDACTED] (b)(1)1.4c, (b)(3) 50 USC 3024(i) And we have a very close working relationship with them in western Afghanistan. [REDACTED] (b)(1)1.4c, (b)(3) 50 USC 3024(i) as well as the Marines. All of us out there have very good working relationships so they understand who we're going after, what we're looking at. And we provide them feed back on their reporting.

DIO: And REZA was a [REDACTED] (b)(1)1.4c, (b)(3) 50 USC 3024(i) as well.

WIT: Yes, sir.

DIO: Okay and the [REDACTED] (b)(1)1.4c, (b)(3) 50 USC 3024(i) was who?

WIT: That was an [REDACTED] (b)(6) source also, sir.

IO: [REDACTED] (b)(6) ?

WIT: Yes, sir, part of the [REDACTED] (b)(6) clan.

DIO: And we don't know who that is.

WIT: I have his number, sir. [REDACTED] (b)(6)

IO: Give us 30 seconds on, again, on SEDIQ. The Italians nominate him, you saw him on the JPCL. Confirmed Taliban guy?

WIT: Yes, sir.

IO: No question in anyone's mind?

WIT: Yes, sir. He would not have been able to be nominated to be JPEL if he wasn't a confirmed. The JPEL vetting process confirms that you have to have (b)(1)1.4c, (b)(3) 50 USC 3024(i) or better to nominate up, and obviously looking for multiple hits. This MULLAH SEDIQ was nominated by task force 45 on the second of July 2008. His ISAF target number is IS 1490, he's a Taliban sub-commander, IED facilitator, that operates in central FARAH. As I said he doesn't normally come up to Shindad.

IO: FARAH for our SA is south of ■

WIT: South of Shindad, yes, sir.

IO: That's not another province, what is it, another district?

WIT: No, sir. FARAH is this province here, sir.

IO: Okay.

WIT: Shindad is here, this is Shindad district Fire Base Thomas is right in here.

DIO: Azizabad is 10 kilometers south east of that.

WIT: Yes, sir. And then SEDIQ usually operates right in here, sir, in the BALABALO CONKAUKI Districts and as I said we had never seen him come up into Shindad.

IO: Do we have (b)(6) or MARSOC elements in those districts?

WIT: Not in these districts, sir, we have two teams out of FARAH city, and they do do a lot of operations up into that area.

IO: All right, so there's no doubt in your mind SEDIQ's a bad guy and the JPEL fundamentally, when you get occasions, usually have you reality of (b)(1)1.4c, (b)(3) 50 USC 3024(i) that he's in your back yard, we're going to do something about it.

WIT: Yes, sir, he ■ him transiting that close to your operational reach area definitely made it a target that was worthwhile.

DIO: I'm sorry let me ■ the (b)(3) 50 USC 3024(i) the vague (b)(3) 50 USC 3024(i) that you got was SEDIQ? One of his (b)(1)1.4c, (b)(3) 50 USC 3024(i)

WIT: No, sir, no, sir. It was just referencing that SEDIQ might be in the Shindad area, sir. From his JPEL target packet it says ■ and this is the Task Force 45 packet. Twelve total reports, nine HUMINT reports, (b)(1)1.4c, (b)(3) 50 USC 3024(i) and then there's three (b)(3) 50 USC 3024(i) reports. So that is a substantial ■

DIO: Three (b)(3) 50 USC 3024(i)

WIT: Yes, sir. That this is for the JPEL packet, sir.

LA: That's just the nomination?

WIT: Yes, sir. And so that is well beyond the minimum JPEL packet.

DIO: Who vets the JPEL?

LA: The RC, right?

WIT: Yes, sir. A JPEL packet will come up it will be coordinated by the RC and then it comes to the Joint Targeting Working Group which is chaired by I believe General Tucker. And essentially all pieces, the JAG, the POLAD, everybody hacks off on it says hey this is a good target and it's voted on Mondays, every Monday. And then it's approved.

DIO: Once a guy goes on the JPEL, he stays on the JPEL?

WIT: He stays on as long as you keep updating his report.

LA: That's right. If you don't up date it, he'll get pulled off.

DIO: How frequently do you have to update it?

WIT: I believe every 90 days, sir.

DIO: Okay. And he had been on the JPEL for how long?

WIT: Six, seven weeks. He was approved on the second of July. Yes, sir.

DIO: So he hadn't even been up to review yet. So he was fairly fresh. So he pops on the JPEL list.

WIT: Yes, sir.

LA: Had he been on the JPEL list before?

WIT: I don't think so, sir.

DIO: Is he still on the JPEL list?

WIT: MULLAH SEDIQ according to our HUMINT sources is alive and well in his traditional operating area in KAKE SUFET and BALA BALUK Following the operation. We think he was on the objective, we think he escaped with a guy, a couple other lower level guys, however I

believe it was incorrectly reported in the media that he was killed on the operation. I'll kind of leave it at that, but we are not actively targeting MULLAH SEDIQ.

DIO: So is he on the JPEL list or not?

WIT: Yes, sir. He should still be on the JPEL [REDACTED]

DIO: Your boss says opposite. [REDACTED] (b)(6) said emphatically he was off the JPEL list.

WIT: I would have to double check that, sir. There have been obviously multiple JPELs that have come out since then. He may have been moved. He may have been, I myself may have removed him. Do I think he's still alive, yes, sir I do.

IO: All right so therefore what is the create tear yeah to get someone removed, PID, right?

WIT: Yes, sir.

IO: One. And we didn't PID him, right?

WIT: No, sir.

IO: Okay. So you have to get some empirical evidence that he is no longer with us, and you obviously have the belief that we didn't get it so he still is.

WIT: Sir, I voice my specific concerns up my chain of command that MULLAH SEDIQ I thought was still alive and had moved to the ZERKO Valley and was probably going to end up in FARAH in his traditional operating area following operation.

IO: Did the GAF have a photo of SEDIQ?

WIT: No, sir, we don't have a photo of him, that's why we had the source there to PID him, sir.

IO: So the GAF fundamentally is just going after bad guys and when you roll them all up, in there, is the bad apple?

WIT: Yes, sir. What we usually try to do is you detain all military age males on the objective, source P IDs them, tactical questioning on the objective, biometrics entries into our biometrics data base so that if these guys are ever rolled up again [REDACTED]

LA: You know who they are.

WIT: Yes, sir. And as I said, we never take [REDACTED] that's how we in the out the herd. It's the best case scenarios when you have a source that can go or multiple sources on an objective that can PID them.

LA: Who surmised he may have escaped and how? Who is the best person to talk to about that?

WIT: I would say myself, sir. I could write you a paper on it, I've seen [REDACTED] I've seen three or four HUMINT reports, I don't have them at my finger tips but I've seen three or four reports that he survived and that he is operating down in FARAH.

IO: Is he injured?

WIT: I don't know, sir. No mention of it, sir.

IO: If he was it's obviously not badly enough to take him out of action.

WIT: Yes, sir. And [REDACTED]

LA: Does the two objection DAs south west of his operating area have any information?

WIT: No, sir. We all share the same information. The latest and greatest I've seen on Mo SEDIQ is he is gone back to FARAH and now there's a big read on red war going on between him and another tribal element, Taliban versus Taliban in north central FARAH which is a good thing, we try to encourage that. You know, I mean we do whatever we can to exacerbate that. But he basically, following the operation, the reporting we've seen there's another HV I named [REDACTED] (b)(6) basically these guys have had armed convict with each other in the last few weeks. Not directly tied to this operation or anything it's just there's a lot of tribal issues, more tribal issues south of us into central FARAH than there is in our [REDACTED] in Shindad district.

DIO: So walking the dog. JPEL, you talked to that HUMINT trigger by [REDACTED] (b)(3) 50 USC plus the actually yes he's on target, the actionable trigger was the [REDACTED] (b)(3) 50 USC who calls and says yeah, MULLAH SEDIQ is here.

WIT: Yes, sir.

DIO: This is probably also the inside guy that says you're going to receive a warning shot from X, Y, Z.

WIT: Yes, sir.

IO: So we're going up the road on a capture/kill, and, you know, cat's out of the bag, surprise is lost, and we never really had established a [REDACTED] (b)(3) 50 USC which is something that we want to do so we know what the risk is.

WIT: Yes, sir. The established [REDACTED] (b)(3) 50 USC with [REDACTED] (b)(1) 1.4a is nice to have. It is not to requirement for us to operate.

DIO: Right.

LA: For a capture/kill ground forces versus a targeting?

WIT: Yes, sir.

LA: Got it.

DIO: Not a requirement.

IO: So you think the afghan government's detention of three individuals is off the mark?

WIT: Sir, I think there is so much pressure from the locals in Azizabad the REZA element that they were like [REDACTED] they immediately went [REDACTED] I guess it was 2, 3 weeks ago when they actually rolled them out, they just [REDACTED] I think they're just now releasing it, but bottom line is the two sources of the [REDACTED] (b)(6) clan have not been captured by the government of Afghanistan. Now granted their associates in [REDACTED] (b)(6) may be they took some direction from [REDACTED] (b)(6), but [REDACTED] (b)(6) ways not the source of any of this information.

IO: So other than [REDACTED] (b)(6) being one, who were the other two?

WIT: I'm not sure, sir. We haven't seen any clarification on it. Sow we do know that our two sources are feeling the pressure and are lying low and there's an ANP check point set up at one of their houses.

IO: All right for me at least, let's raise your intelligent [REDACTED] intel essay up to the strategic level and tell me what you know about the district and maybe the Azizabad [REDACTED] and maybe a tribal affiliation with the president and some motivation here by which it's being alleged after this mission [REDACTED] (b)(1)1.4c, (b)(3) 50 USC 3024(i) were obtained in direct communication between the two that one of the things done either for monetary or political gain. Explain. What do you know?

WIT: I could fill the afternoon, sir. Sir, starting with April 27th, April 29th 2007. Was the first major engagement in Shindad district last year. And this all feeds into exactly what's going on right now, sir. There is a major three-day fire fight in the ZERKO valley. There's a political leader named [REDACTED] (b)(6) that's been around forever. [REDACTED] (b)(6) is a [REDACTED] (b)(6) tribal leader who used to be speaker of the lower house, he has direct ties with [REDACTED] (b)(6) [REDACTED] (b)(6) some of the leaders [REDACTED] the [REDACTED] (b)(6) leadership in ZERKO valley.

Immediately during the engagement, he called and placed procedure on the president to force a withdrawal of our forces and operational restrictions on ZERKO valley. That was successful and basically through his ties with President KARZAI, we were not allowed to operate in the ZERKO valley from April 30th 2007 until July 16th 2008. During this time, the ZERKO valley which encompasses a large portion of Shindad district became an absolute sanctuary. They knew we could not go in there, aye, arraign I know lethal aid is coming in there, and being staged out of there and being projected across the battle space, basically everything flowed in, sir, from the western boarder into ZERKO valley right here with onward staging up into Herat, into eastern Hurat and all the way into HELNANT province which is where the Taliban's main fighting is going on. So we fought the operational restrictions. Basically what we wanted to do with Operation AIRAM TANDER is and we looked at all of western Afghanistan and we said

ZERKO valley is the key place that we have to go into. We gained support from COMISAF and the additional other levels of CJTF 101 and we particulated our air assault into ZERKO valley on the 16th of July 2008 specifically right prior to that there was two political leaders, (b)(6) tribal leaders, (b)(6) was his name and (b)(6) who are both the tribal leaders of the (b)(6) tribe and had been instrumental in pressuring the government to restrict any operations in there. These two individuals were also the ones who met with the embassy represents from last year after the ZERKO valley fighting and they received I believe \$224,000 in settlements for collateral damage that occurred during the fighting in last April 2007. Now to date that information immediately that money was divvied out to different Taliban commanders in the area. The school that was supposed to be rebuilt and was destroyed in the fighting still has holes in it and is still not being used. We were down there about three weeks ago. So you have these two political leaders that have good connection to president KARZAI. Well what happened on the 16th of July when we air assaulted in after (b)(6) the nephew of (b)(6) is those two key power brokers were killed in the subsequent fire fight.

So what happened is, you have a basically a void in the (b)(6) tribal leadership out there, sir, there's still the political connections at the higher level, but the kind of key on the ground guys were removed. Throughout late July and into August the (b)(6) tribal Taliban elements were trying to figure out how to get back at us and they have fled the valley and they could not mount an effective offense operation against us. They shifted to an IED-type environment and they were trying to figure out how they were going to get back at us.

Immediately upon the Azizabad operation, the (b)(6) who I believe you guys are scheduled to meet with early next week, who is a close associate of our special forces out there immediately the civil affairs team at 7:30 in the morning as the guys were (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i) can hear what's going on you need to come over here because we've dealt with this we've seen this collateral damage stuff spin out of control in the ZERKO valley and the Shindad district, we've seen them get financial payment last year. We've seen the U.S. army officer that investigated it come back and say there's no signs of collateral damage, however the Afghan government already went ahead and paid \$224,000 to the (b)(6) tribal leadership. So we were clear on the type of IO and operating environment that we were in, sir. So we notified (b)(6) (b)(6) the (b)(1)1.4c, (b)(3) 50 USC 3024(i) immediately, the (b)(3)130b, (b)(6) was the guy who made that call, and he and I were talking very closely to ensure that we were the government was tracking what happened and what we saw. So then the discombobulated Afghan response of the government sent down an investigation. When that investigation came down, it left the Minister of Defense. HUMINT reporting indicated that it left out the Minister of Defense representatives. That seriously infuriated Minister of Defense WARDAK, according to the HUMINT reporting that I read because KARZAI went ahead AND (b)(6) and the 207 Corps commander without even having MOD investigation. Separate reporting has come out basically saying the MOI was doing the Minister of the Interior was doing their own internal investigation. When the MOI went down to Azizabad, they stated that they were exaggerating all the numbers. When they asked them hey, there's only I believe 18 or 20 graves here, they said oh we buried three people per grave. Well had you done the math, that's still not 90 people. And they're like no we buried four people in the graves.

DIO: Who was this that you talked to?

WIT: This is a HUMINT source, sir.

DIO: Okay.

WIT: I can get you the report. It's an MOI, Minister of the Interior [REDACTED]

DIO: We need that report.

WIT: [REDACTED] okay. I thought that [REDACTED] I thought the guys at the CJSOTF provided all that stuff.

LA: You're talking about what would be in the JISE.

WIT: Yes, it's the information from the [REDACTED]

LA: They're going to provide it to us, we just haven't gone in there.

WIT: Okay. Yes, sir. This report itself is secret. I know it's in this packet because I put it in there. And I'd be, I can give you the reference number on it.

IO: This was the response to the MOI's investigation.

WIT: The MOI's investigation, yes, sir. But then additionally there's ANA [REDACTED] of their investigation saying that look the Azizabad operation, those guys are Taliban facilitators, the ANA's formal investigation was intercepted at the [REDACTED] level basically indicated these guys are Taliban or a large portion of them were Taliban and they are having different findings.

DIO: Is that in the JISE?

WIT: Yes, sir. This is all in the big JISE packet.

DIO: Did they get any numbers out of that with the ANA investigation?

WIT: I can't recall. It's not in my head, sir. I think they were talking 50ish, but I don't know. I'd have to have the report. Since that's stuff is [REDACTED] that's why I couldn't bring it down here today, but in that packet it has secret, [REDACTED] it has everything in it. And then going into some higher clarifications of some stuff in there that we can definitely sit down and show you, sir. There is some serious issues between minister of foreign affairs Sparta, minister of defense WARDAK, and KARZAI. And there's a lot of indications that there are united front elements who are you posed to KARZAI. United Front is the political party running against KARZAI for next year. There's a lot of United Front elements that are fanning the flames, and I think that's a direct quote for the situation. And the frustrating thing for us, sir, is that the locals in Azizabad have gotten over it. [REDACTED] who are leading the clan you said against us is already meeting with our Cat A guys we've already done HA, an HA drop down there, we've got a bunch of projects going on to try and help Azizabad. At the local level, they're moving on, the problem you know and as I said trying to look at this strategically, the problem is is United Front, which is very closely associated with Iranian elements are continuing to capitalize on this

to cause friction within the KARZAI administration and as I said there is a significant amount of reporting that will back all that up in the JISE packet.

When it gets down to numbers, sir, the your assessments, and trying to look into everything, the conclusion that we came up with was at least 22 Taliban because we have a list of 22 dead Taliban provided to us from objection J A in the operation and that's in the packet with the JISE.

IO: Meaning photos?

WIT: No. Just names, sir. Just listed names from the source.

DIO: What we want to do is have you take, we need to compare that list that [REDACTED] even have you take a look at the list of the dead and as provided to us by ANAMA and HENDRICK and list of 91 folks that came off that. You have a list of dead from the '07 ZERKO valley?

WIT: No, sir and that was one of the interesting things was when the (b)(3)130b, (b)(6) that went out to investigate it, they wouldn't provide him a list. He said let me see a list of any one and 50 killed and they couldn't provide a list.

IO: They got that down. So they [REDACTED]

WIT: I would like to take this as I said I don't have the 22 on me, it's in the JISE packet, but I would like to cross reference these because we could probably say hey these 22 were Taliban. Specifically looking at the NDS video, I don't think they should have showed you the products that showed [REDACTED] hey, dead guy in the NDS video, hey here's the dead guy with a chest [REDACTED]

DIO: Has that already happened? Have they already did you know that, they've got a production of that?

WIT: Yeah. I mean I thought they showed you [REDACTED]

DIO: They alluded [REDACTED]

WIT: I thought they showed you that stuff.

IO: [REDACTED] to hey, we've got some stuff in this JISE package.

WIT: Sir, there's a the exact same guy in the N D S video that's dead and then you have them [REDACTED] that our guys took in the SSE picture and then he's got a chest rack and his AK 47 with him and it's like the same dude. And there's at least four or five.

LA: Who generated that out of your shop? Would it be the J-2?

WIT: Yeah it's in the J-2.

LA: Who we met with?

WIT: I built the product, so, and I provided all of this to the J-2.

LA: So you, what is that, which video is that based on?

WIT: This is off the N D S video, sir.

DIO: What does that mean?

WIT: N D S is the national directory of [REDACTED] It's the [REDACTED] (b)(3) 50 (for Afghanistan) [REDACTED]

IO: The one you provided everybody?

WIT: No, the one [REDACTED] from my understanding the one that was provided to the media was the cell phone video from a doctor.

IO: Has that been compared against the N D S?

WIT: It looks like the same stuff, sir.

IO: If we were to [REDACTED]

LA: If we were to ask the CJSOTF J-2 to do the same thing [REDACTED] you're saying it's already been done, with the cell phone video that you're saying looks identical [REDACTED]

WIT: I do not know if they have explored face to face on the cell phone video, but I know that we did it [REDACTED] I personally did it for the N D S video, because we didn't guilty the cell phone video I believe until a few days ago.

IO: So you think it's identical.

WIT: I think it's the same area, sir.

IO: The same area.

WIT: It's the same mosque that they were filming from.

IO: But possibly from a different source, I E this is from a cell phone?

WIT: Yeah. The N D S, the N D S, sir was basically an N D S video camera.

IO: By who?

WIT: My an N D S agent that went down there, sir.

LA: That's their own version of [REDACTED] (b)(3) 50 (for Afghanistan) [REDACTED]

IO: Okay.

WIT: And so the █

IO: And this occurred the day after?

WIT: I believe it was the day after and this was provided to us by █ (b)(3) 50 USC 3024(i)

IO: Okay.

WIT: Looking at the █ this was stills of the video clip. Looking at that, we identified 13 persons KIA, nine of which looked like they were civilians, woman and children. Then the remaining four individuals we had pictures of them from our objective SSE with AK 47s and stuff.

DIO: For a total?

WIT: That was this was a total of 13. Thirteen killed.

DIO: Out of 13, you had four from the SSE?

WIT: Yes, sir.

DIO: Okay. Only 13 in there? In that individual █

WIT: This is on there N D S clip stills that we received, sir.

IO: Okay.

WIT: As I said the eight-minute cell phone video I think still needs to be.

LA: Analyzed? Because if we haven't asked the J-2, we're going to.

WIT: Okay. Because I █

LA: If you've already done the first steps, we were not aware of that until you mentioned them, thanks. The second piece is that's the afghan government which a lot of NGOs are latching onto, so █

WIT: Yes and that's the Afghan government video, and from what I heard, sir, talking to the objection (█ the (b)(3) 50 USC 3024(i) folks is N D S tried to confiscate all cell phones and they wanted to have the one video that went out.

IO: Who did?

WIT: N D S, sir.

LA: They are (b)(3) 50 USC 3024(i)

WIT: Yes, sir.

IO: They are (b)(3) 50 USC 3024(i) Afghan (b)(3) 50 USC 3024(i)

WIT: Yes, sir. And to my understanding this eighth minute cell phone video got out that they probably didn't want to have get out. As we looked hat the number.

DIO: Because we think it what?

LA: Fanned the flames, sir. United Front.

WIT: Because what I see, sir, NDS, MOI, ANA, MOD, all those elements coming out of Hurat want to look at this thing fairly objectively, and all of their reports and some of its intercepts and some of its HUMINT and stuff, but from what we can gather from them, it seems like they were trying to take a balanced approach towards this investigation. But like I said, MOD was completely left out of the initial investigation. KARZAI fired guys without even talking to Minister of Defense WARDAK. Then the (b)(3) 50 USC 3024(i) that was done there's a fort kilometer by 40-kilometer (b)(3) 50 USC 3024(i) that was done with Azizabad in the center, I believe there was 150 cemeteries that were identified, I believe there were six that had newer graves and you can't say that they were from August 20th to 22nd or 23rd, but newer graves, and I think the total number of graves in all of those cemeteries was 48 total.

IO: Is there a report on that?

WIT: Yes, sir.

IO: There is a full on report with the (b)(3) 50 USC 3024(i) to back it up?

WIT: Yes, sir.

IO: Is that in this infamous JISE as well.

WIT: I believe (b)(3) 130b, (b)(6) grabbed the CD and has it for you guys, sir. I'll have to double check with him.

IO: Okay. When do you leave the country?

WIT: Sir, I'm scheduled to leave Tuesday, but with that look, sir, I might not be leaving Tuesday.

IO: You may be going back with us.

WIT: So you look at the 48 maximum number, 22 minimum number Taliban that we say were killed because we got a list of those names.

LA: So you got 22 Taliban, so you got 44 graves and you got only nine civilians ■

WIT: In a separate video.

DIO: Answer me this, then. The weapons that you all pulled SSE off the target. These are some of the things that of course have to be answered. The 11 weapons, that's all that were pulled off?

WIT: Yes, sir.

DIO: But there's 22 dead guys. And this was a two-hour gun fight with 80 commandos and ■ you know, about 80 guys backed up by a gun ship.

WIT: Yes, sir.

DIO: and these 22 guys with 11 weapons put up this kind of fight for two hours?

WIT: Well, they had 4,000 rounds, sir, and they were on the roof tops and already preplanned, you know, the possession ■

DIO: Well that there was 3,000 rounds of AK, no ■ I found it interesting in the SSE there were no empty magazines, they were all full.

WIT: Yes, sir.

DIO: And again I don't know how much brass was on the objective ■

WIT: There's some photos of it.

DIO: There's some photos but you know it's a smattering of a dozen shell casings. I mean that doesn't add up to me.

LA: No RPGs, one ■ I think it was one or two light machine guns,

WIT: I believe two light machine guns, off the top of my head, sir.

IO: So fundamentally, why do our eighty pros from Dover, why can't we defeat a force of ■ I'll give you the benefit of the doubt ■ 25 bad guys with a lot less weapons apparently than what we found, and again some were destroyed, some weren't collectible, whatever. But we had them three to one. Why do we rely on a gunship for two hours?

WIT: Sir, I can't answer that because I wasn't on the objective.

DIO: But I mean what I was dive driving at was there other weapons taken off that just didn't make it into the SSE?

WIT: Sir, I think it's very likely that some of these Taliban escaped their weapons.

IO: Didn't we have blocking positions all the way around?

WIT: Well, the guys said that they engaged 20 to 30 individuals from discussions with the Captains.

IO: The guys in the (b)(1)1.4a

WIT: Yes, sir. Well, you guys will meet with (b)(3)130b, (b)(6) the team ■ the main assault element leader. Talking to him, he said they were engaging 20 to 30 guys, and we know that some Taliban escaped. I believe ■ (b)(3)130b, (b)(6) believes SEDIQ escaped, and I ■

IO: And the gun ship wouldn't have seen that?

WIT: There's ■ I don't know, sir. I haven't reviewed the gun ship.

IO: Speaking of which, since you brought it up, where is the gun ship video?

WIT: I don't know, sir, I am not ■

IO: Have you seen it?

WIT: No, sir. I'm not in that ■ bottom line I know with that is, it's usually at Bagram but I have not seen the video, sir.

IO: Okay.

WIT: As I said especially out in Shindad there's no way we would have had that. We did see the same feed that you saw, the (b)(1)1.4a feed. We were watching that from the SCIF.

LA: Your SCIF, would that ■ what would they have seen back in Bagram?

WIT: Same thing, sir.

LA: The (b)(1)1.4a video?

WIT: They could have seen the (b)(1)1.4a video, sir, and I believe on the CJSOTF JOC floor they can see the (b)(1)1.4a through the giant system, but the (b)(1)1.4a video feed is always very closely secured through the giant feed versus SIPR and everything else like the (b)(1)1.4a and the (b)(1)1.4a films.

IO: Okay on behalf the entire investigation team, thanks. Next is, go back and tell your boss that we're going to ■ and he's already made this offer but we haven't had time, we need to go look at the JISE package we will build that in our schedule.

WIT: Yes, sir.

IO: Two requests if they haven't been transmitted. As (b)(3)130b, (b)(6) said, being a NAVSOC guy and from his time in Iraq, you guys are pretty good at producing what I would call tribal or

clan affiliation, you know it's kind of like the classic JSOC kind of connection where you do the tear one, tear two distances.

WIT: Yes, sir.

IO: Can you give us with the players specifically focused on the Azizabad incident. The players you've referenced all of which they're names have memorized. I need some sort of photographic slide or slides that detail who is connected to who and we're going to go back and review the tape when you take a case for Iraqi governments rival, you got (?) HUMINT-wise story. Why that does or doesn't hold water, and I need you to do that in a graphic way by the bubble charts and personalities, and even if you have to draw silhouettes as opposed to guys you don't have photos of. Just connect the dots for me that identify you (b)(1)1.4c, (b)(3) 50 USC 3024(i)

LA: The network nodes.

WIT: Yes, sir. Sir, I will have this waiting for you in Shindad. Because are you guys going out there.

IO: Are you going back?

WIT: No, I'm not, sir. But ■

IO: We'll give you a ride tomorrow night.

WIT: (b)(3)130b, (b)(6) are HUMINTers and I will make sure they have this waiting for you when you land.

DIO: Can I tack onto that, sir?

IO: Yep.

DIO: We need to get the chart on HUMINT sources, the (b)(1)1.4c, (b)(3) 50 USC 3024(i) I have it at home but unfortunately I don't have access to my stuff. You need to make sure that the NDS cell phone exploit stuff, when you go back if you can create a package and compare it to that list we're creating right now for you.

IO: What you just asked is we'd like the Afghan ■

WIT: The NDS list cross cued with your list. If I could just get a copy of that it would be perfect, sir.

DIO: Not our list. It's the list provided to us by ■

WIT: By NDS list cross cued by ■

IO: And you're going to say it but I will ■ I'd ask your boss, the J2, that if he hasn't already done it, and the same thing that you've already done for the Afghan (b)(3) 50 married to the stills from the SSE, I need a comparison of the cell phone video that the Afghans are using, the whole eight-minute clip with the PID, and that should generate your categorization of bad guys, woman and children, et cetera.

WIT: Yes, sir. That's too easy sir. I'm sure I'll be working on that one tonight.

IO: Everything we tell him it's too easy.

WIT: Azizabad has made my last month pretty uglible. Sir, I think as I said I think the number 40 is pretty solid, throw.

LA: Is pretty what?

WIT: Solid, sir.

IO: Forty to 42, something in that ■

WIT: Seen the New York Times article that referenced the eight-minute video, they say two rows of 20.

IO: We talked to her today.

LA: She didn't say high to you specifically because she doesn't know you but I'm sure she'd want me to pass on her best.

IO: But she actually one of the things she said was getting to the delta without digging up graves and all that other stuff is very difficult.

WIT: I've got one question for you guys. Is there ■ do you guys want me to provide for historical background do you want the investigation report from last year, ZERKO and all that?

IO: Yes.

WIT: And I've got, we've got a couple papers written on it and stuff that can clearly lay out the stuff that ■

DIO: Can you push it here, so we can get it tonight?

WIT: All I need is a SIPRNET address and I'll be good to go.

[The witness and investigating team discussed matters unrelated to the investigation.]

IO: One question. Does KARZAI's brother, and I don't know he was involved in exhorting projects on the list. Does he have any operations in the area or any ties that you know of?

WIT: Not up in western afghan stop sign, sir. He is pretty much Kandahar, HELNANT, NIMRUSE based. Because that's ■

IO: So why does KARZAI care about the ZERKO valley?

WIT: (b)(6) tribe is the largest tribe in western Afghanistan, sir. It has a tremendous amount of pull.

IO: Okay. So that's the pull, all right.

WIT: In (b)(3)130b, (b)(6) opinion, he's buying the vote. He's already paid ■

LA: He can't win without him.

WIT: No, he can't. Not at all. And an (b)(6) has already come out and said and this is a secret known from a reporter from (b)(3) 50 USC 3024 (b)(6) has already come out and said he is against KARZAI, and at the strategic level has ■ has been trying to play indicate to (b)(6) (b)(6) he's talked about getting into the Hurat governorship, the Kabul governorship, another minister position, so you know, from my ■ the reason I see this is I see him trying to get that vote and.

IO: Regardless of the facts.

WIT: ■ what your tribal leader tells you you're going to vote you're going to vote.

IO: Regardless of the facts in KARZAI's case.

WIT: Sir, I got a couple typos, can I send this to you tonight on this thing?

IO: Yeah.

DIO: I just want to go over. Correct the typos, send it in, we'll write draft on it.

WIT: Okay, thanks, sir. And as I said this isn't just an intel thing, what I was trying to do is capture all of like, here's what the C A guys did, hear where H A went, so.

IO: Okay, well again in our discussions both on the V T C and with the five hours in one of your conference rooms your leadership think a lot about you. Thanks for serving our nation, thanks for coming over and doing this. I'm sure you're going to kick and continue to kick ass in the future. I look forward to working for you some time soon.

WIT: Yes, sir I will probably see some of you guys at CENTCOM

Encl 6

VERBATIM INTERVIEW OF

(b)(3)130b, (b)(6)

(b)(3)130b, (b)(6) was sworn by (b)(3)130b, (b)(6)

(b)(3)130b, (b)(6) You name again sir.

WITNESS: (b)(3)130b, (b)(6)

(b)(3)130b, (b)(6) And your rank sir?

WITNESS: (b)(6)

(b)(3)130b, (b)(6) Your duty of assignment?

WITNESS: Right now I'm here, I'm (b)(6)

(b)(3)130b, (b)(6) Hooah sir, your witness sir.

BRIG GEN CALLAN (INVESTIGATING OFFICER): (b)(3)130b, (b)(6) you know why we're here for the record I'll just tell you. Two weeks ago I unfortunately picked up the phone on about 1:00 in the morning and the acting, well not the acting, the Chief Staff called me on behalf of the Acting CENTCOM Commander and directed me to be the investigative officer on this incident that was -took place in Shindand District in Azizabad, the 21st and the 22nd of August

WITNESS: Yes, sir.

BRIG GEN CALLAN (INVESTIGATING OFFICER): I was then appointed two CENTCOM professionals namely (b)(3)130b, (b)(6) Member of J3 staff and obviously is a lawyer from the JA staff to assist me in the investigation. The focus of the letter, appointment letter is focus on new information that surfaced immediately after (b)(3)130b, (b)(6) investigation was completed on the 29th.

WITNESS: Yes, sir.

Q 1 BRIG GEN CALLAN (INVESTIGATING OFFICER): To that end, we'd like to get some information from you which we're aware of you're obviously involvement in the process. So if you could, can you give us about five to ten minutes of what I would call covering at least the following three topics. When were we introduced to the mission? Explain your roll in what I'm going to call the approval process. Finally, since we have, as you're aware no gunship video. I'd like to get into a description from you concerning what you saw from the JOC.

A1 (WITNESS): Yes, sir.

(b)(6)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

Q2 (INVESTIGATING OFFICER): When were you made aware of the--of the operation for execution. To what degree did you approve it, modify it, change it and give me some sense for when basically after you went like this to push to ISAF, when did you get it back from them?

A2 (WITNESS): We got the op—that the Intel was there--was forming up that day, it was around 1600 hours during the day. And so there wasn't that short period of time where bad decisions were made. We looked at their scheme maneuver--the Marines and the (b)(6) and commandos described to us that the lead element going in IOVs, two trucks and manropes and not kitted out like Marines or (b)(6) to get penetration and get close to the objective. And so we talked through all that. Because they were in a different look, I had to approve that as a special case which I did. Then we made sure we lined up all the assets, I wanted to make sure that they had AC, they had FMV and obviously FMV (b)(1)1.4c, (b)(3) 50 USC 3024(i) on the top of it. Because we've known from experience Zerico Valley has been a dangerous area and I was not going to let my guys collectively, my Marines in there naked 'cause it's dangerous there. And so they went through me around four o'clock in the afternoon. Didn't involved RC East really, it went to Tucker and he was briefed around seven o'clock at night. Seven or sever thirty this is just guessing on my part but he was briefed early enough were the teams knew they had approval and they were waiting roll out.

Q3 (INVESTIGATING OFFICER): So I'm clear, did you modify anything that the (b)(6) had planned on and did Tucker modify anything?

A3 (WITNESS): My guidance I gave was precision fires with the commandos and you know I always give that guidance with commandos and the (b)(6) and the MSOC. We don't habitually go in there and just put on full load and spray in any area. With the commandos because of their basic training level you always got to emphasize that to make sure that you know someone shooting at you, you kill that person but if you just see people running away, you have to have hostile intent before you dropped them. And so we try to bang that in their heads about the--well aimed accurate fires.

Q4 (INVESTIGATING OFFICER): And General Tucker?

A4 (WITNESS): I don't know what General Tucker said, I wasn't there. I don't listen to General Tucker, we don't--I don't brief General Tucker. We have an LNO down there, (b)(6) that briefs General Tucker. And a--General Tucker kind of empowers me, he doesn't really change the base plan and really is not his place as a leader so far removed from the tactical environment to change the tactical plan, (b)(6) and MSOC. He couldn't tell what MSOC has to be truthful sir. So a--the only changes that really occur right at my level are the last changes.

Q5 (INVESTIGATING OFFICER): So as far as you're aware whatever CON OP he was briefed after it left your desk basically was not modified.

A5 (WITNESS): Absolutely. It always flies like that. There are a lot of times when I have CON OPs where I sense there's going to be more enemy there and you know I want the two-thirds one third rule there. We're dominating them in numbers. You don't want a fair fight you know, one to one ratio. And so I--I believe during that time frame I can't recall but I usually say, "You need more people." And because it was this and it was fairly built up I probably said, "You need more people. Make sure you take more commandos." You know I think initially there were going in with 70 I think, I told them to get it to 100, 120.

Q6 (INVESTIGATING OFFICER): Okay, take us from what I think in your previous statement with regards to they woke up and basically had some ISR take us through when you--or I guess arrived at the JOC, what do see through the prosecution of the objective?

A6 (WITNESS): I got there just as fire had already started. From the scheme of maneuver--what the other guys in the JOC told me, the IOVs went in and as soon as they hit the perimeter of Azizabad they [snapped his fingers] were fired upon. And then a--things got pretty hairy. Heard it on the radio that they--the Marines had one WIA. Turned out to be a (b)(3)130b, (b)(6) they shot him in the foot. But they were getting the situation under control and returning fire. And then they started moving the commandos to get in positions of domination. From there you can just hear sporadic calls on the radio what's going on updates, when they had time to call back through--and I don't monitor--the radio I monitor is that team, those teams to the battalion because they don't call me, the battalion doesn't call me. It doesn't go that way, it goes from the ground element to the battalion and we just monitor to make and make that we can give appropriate support where necessary or guidance. And so, they get in a fight they're making the reports when they could. I know they were quite--they had CAS. I saw FMV and I saw people running around. I saw guys on roof tops shooting at elements of our patrol and I saw guys in compounds trying to get out of compounds and I saw 40 MM being shot right in the middle of the court yards. Basically corralling people to get back in their house and it worked on many occasions. I saw guys running down the streets and it wasn't determined if they were hostile or not but they fired about 25 meters ahead of that person running down the road and that person stopped and went back into the same compound that he came from. So, from my perspective as I told you earlier sir, I saw a lot of control, a lot of restraint when the AC was firing. Saw a one (b)(1)1.4c, (b)(3) 5 hits a building and that was right on top of a guy that was shooting us PKM it looked like AK

building 50 compound, none of that was out there in the SSE although all the UNAMA stuff shows it.

A12 (WITNESS): Also the FMV would of shown one if it was that compound the heat sources.

Q13 ((b)(3)130b, (b)(6)) The heat sources--we haven't looked at the (b)(1)1.4a for that yet as you know there's you know there is no gun [inaudible].

(b)(3)130b, (b)(6) We're trying to get (b)(1)1.4a sir, so far we have just what you'll have which (b)(1)1.4a

A13 (WITNESS): Everything that we saw it wouldn't give me an indication was gonna--it was other than a bunch bad guys meeting up to inflict damage upon coalition forces. I talked about how after the team pulled out--the town's going to lock down and maybe you got some of that story. And a--in my opinion is--the story was controlled and a--adapted to their needs whatever they may be.

Q14 ((b)(3)130b, (b)(6)) One of the things we have to report back on is, is and obviously they got the--they got the IO spin on this. One of these ways for me to make a recommendations on it is how do we control in the future. One of the case studies at--talking with (b)(3)130b, (b)(6) the operation you know did down to Zerico in July what was--

A14 (WITNESS): (b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(3)130b, (b)(6) Yes, sir.

Q15 ((b)(3)130b, (b)(6)) I don't know the Op name.

A15 (WITNESS): (b)(1)1.4c, (b)(3) 50 USC 3024(i)

Q15 ((b)(3)130b, (b)(6)) Do you--what was the--who was the HVI?

A15 (WITNESS): (b)(6)

Q16 ((b)(3)130b, (b)(6)) Yeah, (b)(6) They held on to the compound for 96 hours and then were able to move in. I guess all the IGOs--and it--it basically nullifies any Taliban ability to get an IO spin going. So it seems like there was an incubation period of about 24 hours at least that if you're holding the ground on one of these of type operations it--they can't get you know--now--I know you've already talked about it on the ground after an operation. What recommendations which you make on--on being able to control the spin on something like this?

A16 (WITNESS): It forces us to--and to be honest with you I don't have an issue standing on the ground 24-48 hours afterwards. But if--it forces--because they don't have chain of command, because they can out put any--any kind lie they wish to. Then we have changed our

TTPs. Sometime I will and sometimes I won't. When is situational dependent. If (b)(1.4c, (b)(3) 50 USC 3024(i) was--was full of fighters and they decided to fight and they stayed in that compound, those guys had--could run a change of getting hurt, getting torn to shreds. I didn't disagree with them grabbing the target and leaving. Since then I have done targets like today we did--last we a target that was bigger than Azizabad. And a--they were--they were standing 24 hours. They were in day-light KLEN getting information from locals, it was more of a soft knock vice a but it wasn't --it was a cordon search it wasn't grab or a kill capture. Anyway, I would have to say it's--it would be situation dependent. I would--I would not lock step myself into every operation we're going to do we're going to say 24 hours.

Q17 ((b)(3)130b, (b)(6)) Now in--in a--when we make recommendations for this, that's why I'm asking the questions. We don't want to put the operating commander in a position in a box he can't get out of. So what we're looking for is guidance that the--that people are going to live with. Ideally I mean, if we're going into Zerico Valley we're you know--you know you got or the tribal ties, we know it's an IO time bomb waiting to go off and obviously has to come into the factoring. But at the end of the day it's a tactical decision.

A17 (WITNESS): The guys have been in the Zerico Valley it ain't the same (b)(6) you guys saw you know Shindand at night. The locals handed over three Taliban prisoners.

Q18 ((b)(3)130b, (b)(6)) And that's after they stayed there for a period of time?

A18 (WITNESS): [Inaudible.] they did a KLE [inaudible] and they said "Hey, you want these Taliban prisoners?" And they turned out to be prisoners of the Taliban. So then we swiped them, we made sure within biometrics they didn't feel anything and we let them go. Gave them some food, gave them some clothes and let them go. And this is the same dam thing we saw in (b)(6) compound. Went in there and there's 15 guys chained to the wall. This guys--this guys--they were on a checklists too.

Q19 ((b)(3)130b, (b)(6)) Right and you were able to capitalize on that because you had a media there, releasing Taliban prisoners?

A19 (WITNESS): Because we had--we had the photos, we had--and they were--that was already--and planned on staying there for a while to develop the situation. This is a different animal, the TST was to get them, grab them, and go or kill them, grab them, and go. Different nature, different operation. But I wouldn't wanna pigeon hole the tactical commanders, the Marines, and the (b)(6) out there. Don't force their hand and put them in a worse situation, sir.

Q20 ((b)(3)130b, (b)(6)) Sir, with regard to the nature of the operation, kill capture or grab and go, what type of no-go criteria do you kind of expect that your guys to implement on--on scene? Besides the--the a--the ones doing their vehicles there, weapons systems or their personnel. Is there anything where you will them, "Hey, cut it out 'cause you're just not gonna be able to execute the mission that you're setting out to execute." Where you're not--or you

don't have the forces of raid the way you--you--they should be to achieve the mission or you're--set out to achieve?

A20 (WITNESS): They had plenty of force to fight through the objective. They were not out numbered; I made sure of that in terms of the CON OP brief. I'm not going to play a platoon leader and I had two veteran captains out there, (b)(3)130b, (b)(6) have been in the fire fights before, this wasn't their first rodeo. So the only issue with set times is with the commandos 'cause they--they don't know where to position themselves. So it's with Afghan Ops, with Afghan Face Ops partners, you have--it's a little slower, it's not doing your latter ops where you know gringos kind of know what to do and know where and how to do it very, very quickly. We're going with the host nation partner, it's a little slower. 'Cause you want them to develop the situation, you gotta coach--teach coach them in there while you're getting shot at. And they are gun shy and they are nervous. But a--based on what I saw from the--from a--and it wasn't you know I wasn't pin pointing a map of you know what buildings their on and trust them implicitly. Based on what I saw they cleared to their best of their ability. And they clear--and my guidance was to clear completely, all those compounds. To leave no doubt there was no caches or other wounded behind or dead enemy or friendly. And a--as soon as they cleared completely through they told me they had five dead and two WIA. They EVAC'd two WIA, one of them died in the hospital.

Q21 (b)(3)130b, (b)(6) Yes, sir. A follow up question to that sir is, when they pressed into an urban environment like this and I know again you don't want to play platoon leader so if I'm going down the same road, but it's more of a--an ROE issue. When they enter into an urban environment like that and they're going to--we don't know how many civilians are in the area, how do they achieve mission success and yet keep that balance in mind and not have a--a lot of civilians get killed [inaudible] with the----

A21 (WITNESS): It depends on the posture of the enemy. You know they--they fired first.

(b)(3)130b, (b)(6) Yes, sir.

WITNESS: And now, we're in--we're gonna defend ourselves mode as well as achieve our objectives. They didn't loose massive casualties, so that wouldn't of stopped them from doing our defensive action. They were still on to the mission and with good reason. There were a lot of bad people in there.

Q23 (b)(3)130b, (b)(6) Yes, sir. But is there any ever a point where you would expect to--a commander to make a judgment call where he--he doesn't feel comfortable because of the--the way they are using--they might be hiding with massive amounts of civilians that are going to result in--a lot of casualties.

A22 (WITNESS): Those guys know and I seen (b)(3)130b, (b)(6) do this before, to surround that type of situation and they wait to day-light and talk it out, negotiate it out. We've done it in RC South, we've done it in RC West. There's a place in Ruscan that we did it. They went into a compound

AEF where firing on a patrol, they went into compound, were using women and making women walk up and down the fence line like ducks in a gallery.

(b)(3)130b, (b)(6) Human shields.

WITNESS: That and a--all we did was surround them and then we got to the village chief and go in there and talk to him and they gave themselves up. 'Cause we told them, "You're not going to get away, we're here to stay for a while." In that kind of situation I would of done it that way or I'm sure (b)(3)130b, (b)(6) would of figure it out or (b)(3)130b, (b)(6) both very smart guys to figure it out. They also had the option to break contact. I do not--one thing about special Ops we--we let our leaders think through--you know if they're arriving at the wrong decisions we do jump in and say, "Hey, you're not going to do that." Like there was a mission while you gentlemen where here with a--around Delaron and they wanted to use gas on a building and I said, I got on the radio which I usually don't and I said, "Absolutely not, use direct fire weapons and--or enter a maneuver or break contact."

Q23 (b)(3)130b, (b)(6) What was wrong with engaging a building with gas sir?

A23 (WITNESS): Because of Azizabad a lot of the forces in Afghanistan now are staying away from bombing houses. Because of a--even though it's a chalk full of bad guys, because of IO you take off and leave, then they said, "Hey, you just killed 50 women and children" exactly we elected zero numbers. And it's a--it's painful.

Q24 (b)(3)130b, (b)(6) Additional [inaudible] to your forces?

A24 (WITNESS): Yeah, I mean a--I don't ever want to limit my forces. You don't want to send guys out the wire and say, "Here's you three rounds, you're only going to have three rounds." I'm not ever going do that. We have to be a little smart about the way in which we way CAS. There were some things that immediately they get--they received two or three shots their pulling CAS out of their pockets. It kind of changes the TTP here in CJSOFT where they worked through the situation and you just use direct fire weapons then maneuver. You get into a position of advantage and obviously if the fire is coming from a place where you can't leverage direct fire weapons on the bad guys, then CAS is appropriate.

Q25 (b)(3)130b, (b)(6) In this situation sir, did you--you had a front row seat. Did you feel that the CAS was used appropriately----

A25 (WITNESS): Absolutely.

Q26 (b)(3)130b, (b)(6) [Inaudible.]

A26 (WITNESS): For those cases on guys on roofs having that angle down on the force, it's either kill them or have our soldiers be killed. And so, in my opinion, I think appropriate was used.

(b)(3)130b, (b)(6)

I just had a few more questions sir, but it's no longer on the (b)(3) 50 USC 3024(i)

INVESTIGATING OFFICER: Go.

Q27 (b)(3)130b, (b)(6) Sir, we talked to several of your guys with regard to Mullah Sediq. And we're just--I guess he's been taken off JPEL at ISAF. Most of the guys thought--felt that he was still alive because they couldn't ID him on the--on the--on the ground because of the different reporting from different sources. Do we know if he's alive or not? Is--should he be still on the JPEL is this a terrorist we should be still be going after?

A27 (WITNESS): I saw--there's still reportings saying that he was dead. That's the last solid report that I saw. The rest is rumors. And this happened to us before where we've said, "No, this guy is dead." and he pops on another selective, so. I could be, I mean do you know?

(b)(3)130b, (b)(6)

No, sir.

WITNESS: So, for sure? So, no. I think he's dead. He has not popped up since that incident. If people are offering that he's alive, show me the proof, show me the intelligence that he's alive. Show me the (b)(3) 50 USC 3024(i) cuts, show me the HUMINT sources that testify that he's alive. Where did he go? [Inaudible], Pakistan? I mean, he didn't get out of there that day. So last HUMINT report I saw was that he was dead. So, they pulled off the JPEL and it wasn't my call, I'm not COM ISAF. He pops up again then we'll recant, we'll say, "Hey, he still alive." Same with a Poinseta the other day. He--we tried get him to other times and we--we got--dynamic struck--stuck came last night. We got corroborating reports that he's dead.

Q28 (b)(3)130b, (b)(6) Sir, we talked a little bit about you know the a--some changes a little--changes in TTPs and I--definitely the IOPs. I was thinking on the objective may be a little bit longer. Is there any other changes that you've affected in your unit to--to maybe affect the IOPs or the--just the--how the operations are being conducted?

A28 (WITNESS): When we can you know, when we can we'll have combat camera with the units. There's only three combat camera teams here. I got 34 (b)(6) Okay, when we can we'll stay longer on the objective but I'm not going to paint line units into that picture. When it makes sense, yes. When it doesn't make sense, no. How do you beat IO piece? I do--you beat the IO piece. When they have no controls of what they're putting out and we're bound by our controls and laws and guidance. I mean if I want to write an IO message I couldn't put [snapped his fingers] in the paper tomorrow or in an hour or in five minutes. They pick up the cell phone and it's out, that's fast. So, what we can do to beat it? We're never going to beat them to the punch in terms of the story like we've shown in Azizabad, but we will beat them in terms of showing factual evidence on what actually happened.

Q29 (b)(3)130b, (b)(6) It's a matter of controlling the evidence, to capture and communicate the evidence before they can spin it. Do you agree?

A29 (WITNESS): I do. I do or take in the evidence with us, bodies, the weapons and arms and leave the place vacant. But for that need a lift which I don't have.

(b)(3)130b, (b)(6)

That's all, the only the questions I had.

Q30 (INVESTIGATING OFFICER): (b)(3)130b, (b)(6) during the time you were in the JOC, did you see any civilians targeted?

A30 (WITNESS): No, sir.

Q31 (INVESTIGATING OFFICER): From what again, what you saw either on--in the JOC and or debrief from the--from the on scene or the----

A31 (WITNESS): Let me--let me clarify that--that answer. I saw guys with weapons on roofs and I saw them being targeted. I saw other civilians coming out, could be civilians, males, coming out of their compounds, or coming out of their houses, trying to move somewhere and I saw 40 MM land in the middle of the compound away from them. And at first I thought that AC crew is horrible. Then it donned on me that--that AC is very smart because it was (b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

So, guys with weapons I saw being targeted, absolutely.

Q32 (INVESTIGATING OFFICER): As you know, when (b)(3)130b, (b)(6) completed his investigation he was a--he'd determined that approximately 30 to 35 folks died on the objective.

A32 (WITNESS): Yes, sir.

Q33 (INVESTIGATING OFFICER): Mainly which were enemy combatants with about to five to seven civilians.

A33 (WITNESS): Yes, sir.

Q34 (INVESTIGATING OFFICER): As you also know that the gunship if you will, destroyed the seven buildings and the--500 pounder off and the (b)(1)1.4c destroyed one for a total of eight building destroyed per the BDA.

A34 (WITNESS): Yes, sir.

Q35 (INVESTIGATING OFFICER): As you know, you were, correct me if I'm wrong, did--I know you were in Shindand and I know you interviewed (b)(6) and some other [inaudible].

A35 (WITNESS): Sure did.

Q36 (INVESTIGATING OFFICER): Did you go to Azizabad?

A36 (WITNESS): I did not.

Q37 (INVESTIGATING OFFICER): You did not, okay.

A37 (WITNESS): It was the day after. I had (b)(3)130b, (b)(6) go there that day to take those shots of the cemetery.

Q38 (INVESTIGATING OFFICER): From what you know of the--without having been there, from what you know of the--of the town and the mission and the objective and to the degree that you watched it in the JOC. The difference as you know between 30 and 90 is about 60 folks?

A38 (WITNESS): Absolutely.

Q39 (INVESTIGATING OFFICER): Given the eight destroyed buildings, including the--the objective which is the one, two, three building complex. Do you think it's feasible that 60 civilians could have been killed in rubble that you're either clearing operation and or your SSE didn't discover?

A39 (WITNESS): Absolutely not, sir. I absolutely think that our number were correct. I absolutely stand by the facts that we presented. I stand by (b)(3)130b, (b)(6) investigation, I stand by the teams, the Marines, and the (b)(6) and the commandos. If I sensed there were more bodies out there, we would of gone, found them and reported the truth. We're not trying to hide anything here. It was a military operation and things happened. But these things, 60 extra bodies, didn't happened sir.

Q40 (INVESTIGATING OFFICER): To the degree that you're aware including (b)(3)130b, (b)(6) report, is there--is there any and--you more less address it I think in terms of the IO answer, is there anything in hind sight minus what you said about considering staying with that target longer if it makes sense. To include without digging rubble to make sure that clearing operations and the SSE are somewhat comprehensive to include that what you said about the TTP more or less calls it to be done there and recover obviously enemy weapons which you did.

A40 (WITNESS): Yes, sir.

Q41 (INVESTIGATING OFFICER): And or [inaudible] if you hadn't left and some of the other large infrastructure pieces to bring the debatable IOs spin Op elements off the objective and taken back home for review. Is there anything else given the investigation that you know (b)(3)130b, (b)(6) completed in hind sight you would change to make A, your forces more effective, and to be able to counter balance the enemy's insurgent activities in the region.

A41 (WITNESS): There's other things we've done after the Op in Azizabad and I've suggested and we've done some different changes. One was we did commandos stealth and RC

(b)(3)130b, (b)(6)

Oh, okay.

WITNESS: You know there's some--there some pieces in there---there--that don't apply, that don't really work. The piece about CAS, they've been through this before here in Afghanistan--it's certainly applicable. It's just a reminder to use press--CAS prudently and precisely. I give my guys--my guys just don't fire CAS on any compounds. Just ain't worth it.

Q46 (INVESTIGATING OFFICER): Next, are you happy with the--the to--the extent that mission was briefed to you and the way in which the trigger happened. Are you happy with the trigger that in fact was not clan versus clan? It was no kidding valid HUMINT trigger?

A46 (WITNESS): Yes, sir. I'm satisfied with that. I wouldn't give them the go ahead--if I were--if something smell bad. Everything that was presented to me it seemed to me like it was good target and everything was viable.

Q47 (INVESTIGATING OFFICER): Tell me how often your on scene commander battlefield commanders, your captains and maybe senior NCOs, your team leaders, how often are they briefed on LOAC?

A47 (WITNESS): LOAC?

Q48 (INVESTIGATING OFFICER): Law of Armed Conflict.

A48 (WITNESS): It's a pre-requisite coming out here sir. It's part of your PMT.

Q49 (INVESTIGATING OFFICER): Do you give any, my word, refresher training when they are in theater?

A49 (WITNESS): No, sir. But it's a pre-requisite before they come out here and during their permission training they have it, every rotation.

Q50 (INVESTIGATING OFFICER): So before if you will, make them operational, under your command. You're comfortable with your team leadership, enlisted or officer, knowing the elements of LOAC to included proportionality?

A50 (WITNESS): Yes, sir.

Q51 (INVESTIGATING OFFICER): To talk about military necessity, like a minimization of civilian casualties. You think all those are to at a satisfactory level with all of your leaders?

A51 (WITNESS): Yes, sir and if a new leader comes in graduates course or if he comes as a replacement from MSOC or who ever. Part of their package is they have to get the class personally here. Otherwise you get in a group during your premission training which is two months before you deploy here. So, they get it either in their premission training or they get here as they come in as singletons, but everyone gets it. Is part of your tickets to get out to a fire base.

And after you're out in the fire base and (b)(3)130b, (b)(6) gives a really good class on the Law of Armed Conflict. And everyone gets it that piece; otherwise they don't go out to fire bases. It's a pre-requisite for us.

INVESTIGATING OFFICER: [Speaking to (b)(3)130b, (b)(6)] What else you've got?

Q52 ((b)(3)130b, (b)(6)) Sir we've got this from different organizations with regard to number dead. I'm sure you've seen it in the news. Some of it's video and I know (b)(3)130b, (b)(6) (b)(3)130b, (b)(6) is helping and now we're turning stuff over to the media exploitation group, trying to identify how many bodies, etcetera. Can you help us understand potential other sources of--where--how did those bodies turned up days after?

A52 (WITNESS): I know that--I saw the phone video of a small room and I saw bodies and I saw faces of children and women. I saw guys that were enemy fighters used in the same room, cleaned up a bit and you know--put--what was colorful clothes around their heads, but they were the fighters and they were--with us the AK-47s you saw those pictures. The other pieces of that room video where bumps in a rug, I'm not sure if they were bodies or not

Q53 ((b)(3)130b, (b)(6)) We'll a--you're too shuffled very shortly have, two other videos that we were provided by UNAMA. They were filmed by the Harat Provincial Commission [inaudible] down. And strangely enough the ANP who set it to music]----

A53 (WITNESS): The ANP that works for Taliban and [inaudible]?

Q55 (INVESTIGATING OFFICER): Most likely and we tried to interview them but they wouldn't show up surprisingly.

A55 (WITNESS): Awesome.

Q56 ((b)(3)130b, (b)(6)) You can then take a look at that. We're just trying to figure out and get the number and what's--what could be--where they--where they potentially could have come from.

A56 (WITNESS): I couldn't tell you. Actually couldn't tell you. We did a swath of bodies from 24 June, 40 kilometers circle around Azizabad, every cemetery and the Delta was there are 42 new grave in a 40 kilometer circle. Other than the--on top of 18 that were in Azizabad cemetery. So I have no idea where there could have been killed more bodies or brought in from wherever. It's my personal suspicion that they weren't bodies under that--under those rugs. But I wasn't there. So I can't really--and we didn't own the town then, we left and so you can basically--they can basically can form any kind of story they wish at that point in time.

((b)(3)130b, (b)(6)) Nothing further.

INVESTIGATING OFFICER((b)(3)130b, (b)(6))

[Negative response from (b)(3)130b, (b)(6)]

INVESTIGATING OFFICER: Our suspense to get back to the Acting CENTCOM Commander was tomorrow. We've asked for an extension off the 1st of October and that was approved. So you can anticipate us on a battle rhythm where tomorrow morning we're going to talk to one more media source and (b)(6) [Inaudible.] going into determine much--more--much familiar [inaudible] that is isolation.

WITNESS: Yes, sir.

INVESTIGATING OFFICER: We're going to start digesting the sandwich and the--tentatively schedule a VTC with General Dempsey on Monday followed by the 15-6 would be more or less concurrently prepared by us as we go through the four five days. I promised both General McKiernan and General Slousher to basically debriefed them assuming there's rocks or ultimately guts [inaudible] General Dempsey before we left the AOR. If you'd like, you're more than welcome to attend that debrief. I anticipated being done here. General Slouchier and you if you'd like to come we'll be in the [inaudible] VTC with General McKiernan on the VTC.

WITNESS: Okay.

INVESTIGATING OFFICER: So, we're going to give them a---give General Demsey first the first shot any guidance we'll adjust fire and complete and then basically get those two debriefed on our findings and recommendations.

WITNESS: Let me ask you a question sir, did you find any additional bodies out there or any proof that there--led to additional bodies in the rubble in your measurements of the rubble out there?

INVESTIGATING OFFICER: Well, I rather not give the conclusions of the investigation. But I will say the following facts, we were there a month late. There is sufficient rubble to cover bodies. What you guys told is what you saw on sight. There is--there is rubble that was there as a result of the engagement. There was rubble that was created because of the engagements, certain buildings were structurally unsound. Is your word the Afghans have to destruct before they build. So there's rubble now where there wasn't rubble before. So some of the atmospherics on the land did--did change. Adding more rubble to it and therefore making seem in some cases and I only compare it the GRG and what your guys, especially [inaudible] Thomas who told us where actually structures when they were there and now where no longer. So the dynamic is there. [Inaudible.] also of course some very pissed off villagers, some very pissed off villagers and or elders. They were very vocal in terms of their testimony to us in terms of where they are. And the NGOs and the IGOs as you probably would of--we talked to have in some cases similar data with not too much independent investigations to how they got there. So we're going to mold this again, but that's an indirect answer to your direct question.

WITNESS: Yes, it was.

(b)(3)130b, (b)(6) There was a--I'll--say this--made it--again, the process's been 30 to 35, 90 somewhere [inaudible] is the number that we're looking for. [Inaudible.] HUMID said 56 bodes stacked up. Pile of Taliban [inaudible] stayed behind. We also have HUMID that said 22 Taliban fighters KIA on the objective, 17 of those hold off to be buried [inaudible] etcetera, etcetera [inaudible]. That was left behind probably belong in Azizabad and those were some of the ones that you saw probably pitted in the SSE and later the guy with the big gray beard and a couple of others [inaudible] there. So--yeah and then you take that Delta and that leaves us with 39 total dead that stayed in Azizabad and in around. So we know we got 18 new graves, was later recruited I think 23 and they so--you know maybe [inaudible] where they buried two, can't confirm or deny that. So, all said you know, 56 is probably you know empirically you do the 40 K liked you talked about that--it was 48 bodies of those not to sure so 42 maybe the right number, give or take something off of 39. That is the only math that works. Now there's enough roll there you know a whole you know--six foot 200 pound like me, you can't put a lot of me under--bodies like me under that rubble. But small bodies that are broken up by [inaudible]. And they produced a bed sheet of hands and heads and other body parts in the video, they didn't show it us, it was there. So I think that's probably [inaudible] possible of what happened. So that's [inaudible]. That's what we can empirically--you know number of graves that we saw matched up corroborated by HUMID [inaudible]. And what you guys physically [inaudible] on the battlefield. That's kind of the number to----

INVESTIGATING OFFICER: But don't hold us to it.

(b)(3)130b, (b)(6) Yeah.

INVESTIGATING OFFICER: It's what the [inaudible] says.

(b)(3)130b, (b)(6) [Inaudible.] that's my you know, that's my best answer to your direct question.

WITNESS: All right, thanks.

INVESTIGATING OFFICER: You guys are [inaudible]. So anyway, you're more welcome to do that. Tentatively we're looking at 29th, I don't think we can get General Dempsey on Sunday but it's up to you.

WITNESS: I'm planning [inaudible] and with a [inaudible]. That's fine, General Dempsey kind of knows what going on.

INVESTIGATING OFFICER: So again, thanks for your time. [Inaudible.] Thanks for serving and the--thanks again for really your staff work what I would call the preponderance of the things [inaudible] to do. [Inaudible] thank you.

WITNESS: You're welcome sir.

Approved for Release

Encl 7

VERBATIM STATEMENT

OF

(b)(3)130b, (b)(6)

On

21 Sep 08

PERSONS PRESENT:

Brig Gen Mike Callan, Investigating Officer (IO)

(b)(3)130b, (b)(6) Deputy Investigating Officer (DIO)

(b)(3)130b, (b)(6) Legal Advisor (LA)

(b)(3)130b, (b)(6) Witness (WIT)

LA: Please take a seat. Say your full name, rank, and unit of assignment.

WIT: My name is (b)(3)130b, (b)(6) I'm a (b)(3)130b, (b)(6) and I'm with (b)(6)

LA: All right. Your witness, sir.

IO: (b)(3)130b, (b)(6) you probably know exactly why we're here but I'll just say it so there's no confusion. I was directed about two weeks ago, a week and a half ago by the acting CENTCOM commander to be investigative officer joined by certain subject matter expert, a lawyer from the CENTCOM Staff, (b)(3)130b, (b)(6) (b)(3)130b, (b)(6) to my the right is your ground force subject matter expert. We're joined by other action officers' one from the CENTCOM Staff, and one from USAFE. The five of us fundamentally are here to investigate new evidence with regard to what has come back on the net if you will after the closure of (b)(3)130b, (b)(6) investigation which was on the 29th of August.

WIT: Okay.

IO: So that's the focus of us being here today, what we did today, what we did with regard to making sure that there's no stone unturned on new investigation. So that's why we're here. So again, I appreciate you taking time out of your busy schedule to recount the events of that night.

WIT: No problem, sir

IO: So if you would, why don't we start off with the first five or ten minutes of an overview if you will from your perspective on ■ take me, take us through the objective as you saw the mission go down.

WIT: Okay. Starting from the time that we rolled out of base?

IO: That's fine.

WIT: Basically the operation, the initial assault was going to go in basically in two Sub-phases, we were going to have the Marines go in before us, before -- as like a main effort and we were going to be like a secondary main effort just to back them up. So they rolled like 20 minutes -- I think it was 20 minutes before us and then we were like creeping slowly behind them. As they got on to the objective we got word over the radio that they were receiving fire and, in fact, you could see phrase rounds coming from the objective area as we were headed to the objective. And then basically I remember telling the driver let's get on it, let's go, the guys are receiving fire. Shortly after that found out that one of the guys had been hit, which obviously went ahead and made my wheels turn even more because now we're taking casualties on the objective and the first thing I started thinking was some of the younger Marines, you know? So then we were able to push through, finally get to the objective area, and we tried to set up as much as we could based off of the initial plan that we had and that was basically to set up in the open area where you saw where the RGs were set up today, where we stopped, we were basically set up in that same area, in that same configuration somewhat. As we got there, we started getting out of the vehicle, we were still receiving small-arms fire we were primarily receiving fire from the main target building. And then what happened was I was supposed to -- according to the initial plan I was supposed to roll up and my group was supposed to set a foothold with the Marines advancing into the main target building. But what happened was (b)(3)130b, (b)(6) vehicle was closer to the Marine at the time when he stopped so he just assembled himself and a group of commando's to link up with the Marines who at that time were basically pulling back and they were pulling back from the main target building -- I believe they were pulling out from building 49 or 49 A. I think it was 49. At that time I was standing by closer to right about over here where building 24 is at, my vehicle was right here. So what ended up happening was the marines started pulling back as we got there and they started they established a foothold in building 26. I was standing by in a possession which I just indicated here on the GRG and it was basically waiting for word to move into building 26. At that time I moved into building 26, shortly after I moved into building 26 with a group of my commandos, I believe I had seven commandos with myself, we moved in there and that's where they were treating (b)(3)130b, (b)(6) who had been shot in the foot. This whole time we were still receiving sporadic and at some points accurate small-arms fire. Then we started receiving rounds from what appeared to be building 43 and building 44. Might have even been building 42 at the time. So I moved into building 26, and then at that time CAS was already on station and (b)(3)130b, (b)(6) was up on top of the building, the warrant was up there and some other soldiers, I believe it was (b)(3)130b, (b)(6) was up there and I don't remember was his -- what his real name was to help me. And basically he was a coms guy and also we had a (b)(1)1.4 up there, I think it was (b)(3)130b, (b)(6) (b)(3)130b, (b)(6) was up on the building. I went up there to find out what the situation was and at that time when we were on the roof I could see small-arms fire coming from building number two and also from building number 35 and then basically I got the plan from the warrant and he told me go down and wait, we're going to go ahead and see what the Aircraft does for us for a little bit then and we'll start the initial assault. So then I pushed

down from building 26 and I basically lined myself up on the southern wall there, on the door way where I believe you guys came in to building 26 when you guys got on the ground. That's where I lined up along that door way because what I was going to do once the word was given I was going to assault to the east clearing building 27, 28, 29, 31, 30, 33, 32, 34, all the way up to building 10A to your east. And that was my whole sector right there. Several times we were given the word to go ahead and prepare an assault, but just as soon as we were going to go ahead and prepare the assault, we started receiving more small-arms fire. And at that point I was too low, the wall was too high, I couldn't exactly see because I wasn't on the rooftop any more. I couldn't see where the small-arms fire was coming from, but I could distinguish just about where it was coming from just from the sound and it continued to come roughly from around building 35 and building number two. And at points we could hear it coming from building 44 and 43, what it appeared like to me. So we waited there several times I think it was may be like three times that we were told to prepare an assault and like I said every time that we were about ready to go the commander would call it off because we still got more movement we still got people running around the objective with weapons and stuff. And we're still receiving small-arms fire. Finally I guess after -- it seemed like forever, I want to say may be an hour, an hour and a half, an hour and 45 minutes, we were told to assault. I then pushed from building number 26 with my commandos and two other Americans pushed all the way up and cleared building 27, all the way up through building 10A. The only buildings that I saw destroyed were building 35, and parts of building 37, 36, and 39. Those were the building that was pretty much the area that I saw that was destroyed. Not completely destroyed. I saw one dead man when I turned the corner and went into building 35. The wall was crumbled down. The rubble around the whole objective area probably was want no deeper than probably no deeper than a foot pretty much on average. And he was basically laying in the rubble from -- his legged were buried in the rubble but his torso was still visible. I didn't see any weapons or anything on that particular body there. Then we moved and continued clearing building 39. Some of the commandos exclusively already gone over there. And then somebody came up to me and told me there's two more bodies over there. And I said where and they said it's underneath that sheet over there. It was kind of it was more like a rug it wasn't really a sheet and it was the corner of building 39, one of the corners of that building had been completely destroyed it appeared like to me. So anyways I went over there and I was like wow I saw the blood on the rug, you know, is and it didn't look like -- didn't look like to male, or like an adult's body would be under there. They told me it was two kids and I was like I don't need to look at that stuff. The blood pretty much for me approved that there was something under there. I never really got to see exactly what was under there, but I'm assuming that is what it was. What amazed me about building 35 was that the 500-pounder was dropped right there I saw the impact crater. No further than from where the impact crater was, probably impact crater being there, against that wall, sir, where you're at, probably 5 feet, 6 feet may be to about the center of that area right there, there was a structure with like five females and like four kids that were completely untouched. Just completely, they were just -- they were stunned but they were untouched, and I was like wow, I was amazed at how accurate the fire was and as much fire as we delivered, how accurate but yet how non-damaging it was to other structures around. That's what kept playing in my mind.

Basically we cleared -- once we cleared building 39 and we saw those bodies, like I said we pushed all the way up to building 40 and then through 10A, but actually what happened at building 40 we were diverted because we heard gun shots in building number nine. What had happened there was that some commandos had gone in there and there was an aggressive dog that I guess tried to bite the commandos and the commandos took a shot at the dog. We automatically reacted to the fire and went to building number nine. (b)(3)130b, (b)(6) was with me at the time but he wasn't the ground force commander. He had just arrived on the ground and I was in charge, I was the ground force commander for that section.

So I said sir, I said, could you do me a favor, could you continue clearing building 40 -- was it 40? Ten and 10A, could you continue clearing 10 and 10A and I'll go check out the situation in building number nine. So we cleared number nine, we found an old man there, no issues. Basically we PUCed him because he just kept rambling on, and we weren't even asking him questions so I told the guys on the ground, this guy's gonna give us some information, we're not even asking him anything, he just keeps talking, so we took the guy, we PUCed him and I was walking past down that alley way going past building number 8, passing the objective building, went back, walked all the way back, to where the vehicles were and that's where our PUC site was. I dropped him off and then I got a call to bring a medic -- over to the target building because there was an injured female and injured child there, but they were still alive. So I grabbed the immediate --, I grabbed one of the immediate -- and I took them back down there with a couple of commandos and I remember walking into building two, or the objective building and immediately when we got there FOX News was there, some of the FOX News guys were helping us bring the female -- she was, I guess the lady was about 20, but the young -- the little girl was about five years old, may be younger than that. They seemed to be in stable condition we brought in the van and put them in the van and then we prepared them to exfill. But before then we had to go ahead and -- we had to before we exfill, we had to go back into the target building to help gather all the weapons and everything that we had found. So I remember walking in there and I don't remember -- I didn't have a count of the bodies I saw in there, but every body that I saw had a weapon system on them. You know, AK 47, I was just amazed at the stuff that we found at that objective. We found boots, we found mail from this compound, somebody had -- somebody was obviously in this compound providing information. We found photos, we found photos of ex-(b)(6) members that had been here, like I said ammo, fuel, care packages. Once we gathered as much stuff as we figured we needed to go ahead and prove our case, we were told to withdraw from the objective. And at that time the EOD guy in my cell decided we were going to go ahead and plant a charge on the objective to go ahead and make sure that whatever was left behind was not -- could not be used by the enemy again. We found boots, you know we found a lot of military equipment in there, so we destroyed all that stuff to basically be prepared to exfill. That was pretty much it.

IO: That was building 50?

WIT: What's that? The initiate engagement, sir?

IO: No, where you detonated the --

WIT: No, it was the target building.

IO: It was the target building.

WIT: The target building before we left we went ahead and attempted to destroy whatever was left in it.

IO: Of the building itself or.

WIT: It was more for -- more for equipment that we didn't. We didn't back and forth getting all the boots and all the care packages and stuff like that. There was a lot of stuff inside the target building.

IO: Just care packages, no or arms or --

WIT: No no. All the weapons, everything that we thought that was going to prove our case, you know, everything, weapons ammo, all of that was brought back.

LA: Anything come back from cell phone exploitation?

WIT: I don't know, sir, I was never --

IO: What about the land mines? I know some of those were part of the SSE, I think they even brought, I think they removed them on target and brought a handful of mines back here but they blew others on the objective.

WIT: They did, I think it was somewhere around building 30. I got the call that (b)(3)130b, (b)(6) the (b)(3)130b, (b)(6) that had been shot in the foot, him and the EOD guy were crossing across my sector to go do the southern sector here which is going ran by another (b)(6) guy, and basically, I don't remember which number he called, which building it was, but he did say that they had found some IED making material. I remember hearing that call and also the reason I remember that is because I remember gunny it was kind of funny at the time he's over there limping across my area, you know, trying to move as best as he can, he's wounded but he's still doing the job, you know, so I'm over there just laughing at this guy, you know? But we went with EOD guys supposedly they destroyed some of that and I did see that they brought traces of whatever they didn't destroy back. But like I said I don't remember exactly which -- now I don't remember which building it was, but I know it was in that sector.

IO: The -- one of the allegations that's been put out there by -- you know, by the new evidence folks, the government of Afghanistan, et cetera, these guys weren't Taliban, they were Armor Security Group contractors and that's why they had weapons, and they were simply defending themselves they think may be from another rival clan attack. Does that hold water from what you know and having seen on the ground and dealt with this -- you know these folks in this environment and if not, why not?

WIT: Well, I mean is it a possibility I've seen some weird stuff out here. I think these people are just about capable of doing anything, you know, so I can't wholeheartedly say that that's not a possibility, but talking to (b)(6) who runs Armor Group here, you know, and is in charge of air field security for all the construction going on, you know, he's a pretty straightforward guy, and I wish he was here for you guys to meet him. He's really spot on, he's an ex-special operations guy for -- you know, he was in the Great Britain Army. He knew about it but he denied everything. He's like no, these guys they never worked for me, you know. So with that said, that's pretty much what I went by.

IO: How do you think they got -- I mean who was on, somebody must have been working on the inside to get the (b)(6) pictures in the mail and things that came from --

LA: Armor group evidently registered weapons, IDs.

WIT: There was some ID cards found, -- I think it was one ID card found. Well, let me see. I think there was one ID card found. I don't know about the weapons being registered to armor group now. I don't know about that. That's news to me. I do know that one of the vehicles that was working, I believe it was a water truck that was working on an LZ here -- out here was one of the water trucks that they had used and it looks like they had purposely had put on the road to block any entrance from any vehicles going into target building number two and on the front wind shield it had a paper basically, a pass, and one of our guys recognized it as one of our water trucks that was helping on the air field. So you know, as far as how they got the information, around here you don't know who is working for you. You don't have a vetting process per say that's really accurate. So I mean you could be getting it anybody.

IO: You have to just trust the contractors.

WIT: Pretty much, you have to just trust the contractors. So it's hard for me to go ahead and sit here and say this guy I know for a fact was getting mail from us, from this guy right here, this guy right here. Who knows.

IO: What was the purpose of the mission.

WIT: The purpose of the mission. Basically it was a trigger mission. Basically we were to go in and kill or capture said personality that were supposed to be there. We had a source that was going to give us a call and let us know when he showed up. And once that was done, CJSOTF came in and gave us the authorization to launch.

IO: Okay and who was the named person?

WIT: Right now, sir, I don't remember.

IO: Did anybody see him on the objective?

WIT: I don't know, sir. As far as I understand we did kill one personality that we knew was a vetted bad guy.

IO: Was he the named individual?

WIT: I believe so.

IO: He was.

WIT: I believe so.

IO: So you think we PIDed him through the SSE and clearing process?

WIT: Well, I mean, I think we met the requirements. I mean the requirements that we have to go ahead and meet, we can't just go and roll somebody up, we have to have so many HUMINT hits on them, so many (b)(3) 50 hits on them, we have to have a lot of stuff before we say this guy is, you know, legit, this is the guy we're coming after. So it's not, it's not just we roll out the gate and just go where ever we want to.

IO: When you go after a personality like that, if you get a task is and purpose and if task is to you know, conduct kill or captor on HVI X.

WIT: Right.

IO: But in order two, the purpose is typically to disrupt his operations in your objection?

WIT: Yes.

IO: Okay so even if you don't get him and you don't get PID and in this case here, do you feel that your mission was a success even if you didn't get him.

WIT: I think so. I mean just for the simple fact that we were able to take the amount of weapons that we took off the street, that we were able to find the ID making materials who had already been responsibility for killing one of your guys. I think it was worth it. Every time we take weapons off the street, I think it's worth it. Even if it's just that.

IO: (b)(3)130b, (b)(6) so I'm clear, give me a total with regard to either the clearing and or the SSE portion. How many deceased or injured did you personally see?

WIT: I saw one gentlemen, that I can honestly say I saw him. Half his body was in the rubble as I stated earlier. And then I didn't see the two kids, like I said they were underneath like a rug or a blanket. And I never lifted up the rug or blanket. I never lifted up the rug, just didn't want to see it. And so I can't say that I personally saw those for a fact, but I did see one. And as you could see on the objective here I had the larger portion of the objective air and I also go into the targets building and in the target building let me see, I saw one, two, three, I saw three dead bodies inside the target building or around the

target building and of course there's body parties but then again I don't know if they were part of another body or something like that. I didn't say that I identified that as a whole body. So I'd say in total I saw probably about four and then I bodies I told you that I didn't real get to, that I didn't want to look at.

IO: Okay. With regard to the rubble, the amount we saw today and what you saw in general that day. Could there be an increased amount of amount of dead in that rubble whether they were enemy combatants or civilians.

WIT: At the time that we did the objective?

IO: Yes.

WIT: That would have been like completely flat in order -- in my opinion. Even the gentlemen that I saw in the rubble, you know his body was still sticking half way in and half way out at the waist. So I mean obviously I wasn't there I don't know the dynamics of the explosion and what caused -- how he landed and stuff like that where exactly he was, but I would say that it would be very hard for me to be walking around that objective that day and not be able to go ahead and see a body lying in that level of rubble. It was pretty thin, you know, but is it a possibility. Yeah, it's a possibility that there could have been a body lying underneath the rubble that I didn't see.

IO: So in your opinion, the delta between (b)(3)130b, (b)(6) body count if you will and the allegations under new evidence -- in your opinion, the delta here's about 60 folks. Is it possible that 60 folks were on the objective that you didn't see through primarily rubble?

WIT: I'll tell you sir, right now, I don't think so. I don't think that there's over 40 dead on that objective. And that's just giving you my opinion from what I seen and you know all the stuff that we've heard about them raising the body counts, you know, especially, oh, well you're going to get this much money per family member, oh by the way, now the number goes up another ten, another 20. But the body count went up from 30 to 90 within three or four days. And if you get investigative teams coming down here and saying how many bodies, how many people died and then they say well X amount, and then they're like show us the graves and then they show them the graves and they're like these graves don't add up to the numbers and their they say oh well there's two people in each grave and then the they still don't add up and then they're like oh, we forgot, there's three people. How could you forget something like that? It's an effective (b)(3) campaign that they're playing against us and we're falling sucker for it.

IO: And there's a financial motivation for it too.

LA: Have you seen the alleged vehicle that raises the body count higher?

WIT: No.

LA: You haven't seen the video?

WIT: I haven't seen it, sir.

IO: Okay. Did you see any cooking pots?

WIT: I saw cooking pots in a picture. But at no time on that objective did I see cooking pots. I saw fuel drums. And we're getting a lot of fuel stolen from this camp on a regular basis. That's all I saw, I didn't see any cooking pots.

IO: No indication of a party?

WIT: No. Well -- we found two bottles of liquor is what it was.

IO: That's not the kind of party I mean. They were supposedly having some sort of celebration for somebody that had died the year before. Any indication of any of that?

WIT: No, I didn't see any indications of that. That to me is just hokey.

IO: So prior to rolling in on the objective were you aware that there was possibly another ceremony taking place?

WIT: Not at all. It was just a regular day for us. We're just hanging out about ready to call it a day, and then basically they're like hey, we got word that person x is going to be at this location and all we're waiting is for, you know, for the word and then the process started, the (b)(6) started notifying CJSOTF about this person and stuff like that and then they basically, you know, we got, I believe we actually at one point we got called down, like okay we're not rolling, and then it was like spun back up and it was like we're rolling this guy is there now, we just got the phone call and CJSOTF had already authorized, you know, the mission so it was a go and it just went that fast.

IO: Last from me at least. You described to time where you were kind of hunkered down by the door where we were on 26 and you said I think quote an hour to an hour and a half, may be an hour 45.

WIT: Yeah, I believe it was probably about that long.

IO: And at least there were several get ready calls to move toward the objective.

WIT: Yes.

IO: And every time the get ready call -- your testimony is you witnessed enemy fire coming toward 26 where you guys were that prevented the continued assault.

WIT: Not when I was inside the building, no, sir. What I said was when I was on the rooftop I did see sporadic gun fire, but I wasn't on the roof top for very long, I moved

down and I was in my position ready to assault. And at that point there was several calls given to go ahead and initiate the assault, but at that point like I said I couldn't see because I was inside the compound so the walls were too high. But I did hear sporadic gun fire coming from locations other than where we were at. And it wasn't our guys, you know, and it wasn't the guys inside the compound, that would have been too easy to identify. It was sporadic gun fire coming from other locations.

IO: Toward where?

WIT: Towards our location.

IO: So your statement is you're coordinating every attempt to move forward was challenged.

WIT: Yes. Or from what I understand too, you know, was because I'm not -- I'm on we're going internal coms, we're going FM secure, internal. I can't hear the conversation between the commander and the pilots. But there is, there is we're filtering down, hey, stay in place, don't move yet, we're still going to try to neutralize more targets, we're receiving fire from said target which, you know, which went exactly where what I had heard the gun fire coming from other locations, and then obviously there's no mistaking -- it doesn't matter if the rounds come in right next to you or are ten feet above you, you can still hear the snap of a round, you can distinguish the snap of a round coming in your direction as opposed to going away from you, so.

LA: (b)(3)130b, (b)(6) if you would, I'd like you to keep this among ourselves.

WIT: Okay, sir.

LA: As I said our deadline back to CENTCOM is now the 24th of September. You can anticipate us probably asking for a slight extension to that. The goal will be of course to produce a report including findings and recommendations back to the acting CENTCOM commander. At the completion of that suspense date, you can assume probably that it will be no later than the end of September, whatever they decide to do with it after that is up to them.

WIT: Okay.

IO: On behalf of all of us thank you for taking the time, thank you for serving our country.

Encl 8

VERBATIM STATEMENT

OF

(b)(3)130b, (b)(6)

on

21 Sep 08

PERSONS PRESENT:

Brig Gen Mike Callan, Investigating Officer (IO)

(b)(3)130b, (b)(6) Deputy Investigating Officer (DIO)

(b)(3)130b, (b)(6) Legal Advisor (LA)

(b)(3)130b, (b)(6) (WIT)

LA: Please state your name, rank, and unit of assignment.

WIT: I'm (b)(3)130b, (b)(6)

(b)(6)

LA: Okay. Please stand, raise your right hand.

The witness was sworn.

[The investigating officer explained the facts surrounding the investigation to (b)(3)130b, (b)(6)]

IO: Can you explain your role as well as give us what I would call, give us a five to ten minute overview of the mission.

WIT: My role, sir, I'm the (b)(6) I was going to be the assault leader for supporting effort one and my area of responsibility was going to be basically the center of the objective area, like building 27 through 35. That center area there. It's separated by two rows. The mission, we had a contact that was there on the ground calling us as our trigger, telling us when our objective, Mullah Sediq, would you arrive. We got a call earlier that day saying he wasn't going to show up, and then that night he called back and said hey, he's here right now. We already had the CONOP and everything up to the SOTF, CJSOTF was approved, and was just waiting on that trigger and we broke it up into two elements. The main effort was infiling ten minutes prior to us which was directed by the CJSOTF commander. He didn't want no more than a ten minute break between the main effort and the supporting effort. We rolled out as we were rolling up we got word over the radio, over the Fox Mike that there were troops in contact. As we were rolling down Highway 1, I could see tracer fire coming off the objective and basically shooting over Highway 1 and shooting south, basically parallel with Highway 1. We bumped up the rate of March, pulled off, as I was pulling in there, (b)(6) (b)(3)130b, (b)(6) was trying to guide us in to where his element had moved because they had bounded back from their vehicles.

He was bringing us in with some star clusters and some voice recognition, bringing us in. When we got there because they had taken a casualty and the main -- the most of the fire was coming from the target area as far as like building 1, 2 and 3 and my vehicle, my element, was closer. I moved instead of clearing the center part. I actually moved with the main effort and brought my commando squad and moved with the maintain effort, and then the guys that were going to clear that area that were going to help support the main effort, they took my area of my responsibility instead. We skipped just because we were under fire, and I was closest and it was easiest for me it get the troops up there to support (b)(3)130b, (b)(6) as fast as possible. As I came up, I said -- by the time our vehicles got there they had already bounded back and were now starting to occupy Building 26. We moved in there, let the advisors kind of control the commandos, I went up top with (b)(3)130b, (b)(6) to try and see what the plan was, what we were going to do with the main effort and, you know, assess the situation. Got on to the roof, CAS was already being employed by the time I got there. They had been working pretty sure around Building 1 and 2 and then where they took the initial fire from. We were instantly getting fire from the target buildings later in the evening someone had came around and was shooting from Building 42 and actually we had a squad and one of our elements on the wall of 25, like the west side of that wall on 25 and the guy from 42 had shot at them and then we engaged him from 26 on the roof and then we were taking fire from alley way that runs down towards 35 and 36 that way, they were shooting at us up on the roof off and on throughout the night before we started to clear. Once we weren't being engaged anymore, I grabbed the main effort, we assaulted across to the 44 and the 48, 50 and then the 2, 1, 3. Cleared up into an unmarked building which was in between 4 and 6, cleared 4, 5, 6, 7 and from there we visually cleared 8 and at the same time was when the two other elements, one and two, were clearing 26 through 40 and then 25 through 13. That row right there. That's a basic low-down general view of what was going on in my role in the mission.

IO: Okay. Thanks. What type of intel did you have with regard to what was happening in site?

WIT: As far as -- like I said throughout the day we had the source contact come in earlier that day. He said, hey, I have a guy that's going to be -- he was calling it a Shura. Mullah Sediq is supposed to be there, I have a -- you know he kept telling us I have a guy on the inside, he's going to give us a call as soon as he gets there, I'm like okay. So we kind of spun up the whole process, we had been tracking Mullah Sediq for a while. Once he once we got a CONOP on him, we're ready to go, he calls back and says hey, he got delayed he's not coming tonight, so we kind of spun down a little bit and said okay, we'll do it another night. And then a couple hours later, we get the call again from the guy on the ground, hey, he just showed up, he's here right now and the two guys that -- basically the two upper contacts that run this one guy were with us and they were going to go into the objective with us and helped ID Mullah Sediq and any other Taliban fighters that we had on the objective.

IO: So the two (b)(3) 50 USC 3024(i) and this was a (b)(3) 50 USC 3024(i)

WIT: Yes. Sub-contact, they're not recruited, so it was a sub-contact.

IO: And did you get briefed about any type of other events that were going on for that night or the next day with regard to the celebration?

WIT: No. Myself, no. I did not get briefed on anything.

LA: (b)(3)130b, (b)(6) when you joined the ME, did you have commandos with you?

WIT: Yes. I had -- I had nine originally, but I left a couple in Building 26, so I think I had seven when we moved from 26 into -- to start clearing the objective.

IO: Do you recall how -- when you arrived on the objective you said you basically joined the enemy force at 26. How long were you in 26?

WIT: I can't give you the exact number, sir, but it was a couple hours it kind of melted together, but it was a couple hours.

IO: And from your overview, you describe obviously taking small-arms fire, engaged various directions.

WIT: Right. It was moving by the time I got there, sir, most of it had moved kind of to the north east of us. But yes, we were throughout, we started clearing we were taking accurate small-arms fire throughout that night. (b)(3)130b, (b)(6) truck actually took a round to the window later in the evening and then, you know, the guy that I said came around to 42, he had a -- his spray went right across the front of one of our commandos that was on Building 25, but yeah, throughout the night we were getting accurate fire up towards us on 26 and like I said when we started moving trucks around to kind of seal off the objective they were kind of popping shots off at them too.

IO: So your statement is that again, to your time reference, two hours, you're huddled up in 26? You were taking consistent engaged fire that prevented you and/or the elements from 26, I mean element now, from moving from 26 at all?

WIT: Correct, sir. Because every time we -- we'd catch fire from -- once fire from the target area would stop, that's when it started coming from around Building 35. It kept skipping like they were moving around. Like I said, 42 kicked off and shot at us and then we got some or fire from 35. And just kept changing positions on us, where they were firing on us from.

LA: So tactically evasive. They basically decided they were going to hunker down.

WIT: Right because, you know, we were getting fire from all -- it wasn't like there was one specific spot they would huddle down and shooting at us, they were moving throughout the objective so it was really hard to determine where they were a pocket of them firing from, and we didn't know if it was all these pockets and they were just taking turns, or if it was a little pocket moving from spot to spot shooting at us but we were consistently taking fire from different positions.

IO: Okay. What (b)(3)1.4c, (b)(3) 50 USC was established in the area before the mission?

WIT: (b)(3)1.4c, (b)(3) 50 USC that, you know, DST talked to us, generally we had been in the area in and out and we knew at night that at that time it would mitigate civilians running around the battle field because you know, they were asleep in their houses not moving around. Any of the other

objectives we've been on close to this area they always stay hunkered down at night. If they're running around on the objective at night, they're up to something. Women, children, and local herders and workers are all hunkered down for the night.

DIO: Bedded down.

WIT: Yeah, bedded down for the night.

IO: Were you given any occasion about how many civilians would be in that area?

WIT: No, the contact mentioned that because this was going to be -- that Shura with Sediq and some or Taliban, higher up Taliban he didn't really know the names of who they were going to be, but they said that the woman and children, locals would be pushed away from the targets buildings just because they don't want them over hearing anything that -- anything that they could be talking about. He said that they hadn't done it yet and he didn't give us, specifically tell us, but he was saying hey, they're usually that they push the woman and children away from the Shura, that way they can't hear what's going on.

DIO: Okay. Now I'm going to ask you the question that, you know, really not a question. Any chance you were set up, your sources put you in a position so that you could attack -- whether it was a clan rivalry or whatever, attack positions filled with, you know, civilians, Mullah Sediq's not in there. Any chance of that?

WIT: I don't think so, sir, he called earlier and actually cut it off for us and said no, don't come, he's not going to be here, and called us back and said he's going to be here and then the guys that were responsible went on the objective with us, so if they were setting us up they'd be a little less likely to go on the objective with us -

IO: Do you think it was just clan motivated, though? It wasn't against you guys in terms of an ambush, but it was clan motivated.

WIT: It could have been clan motivated as far as them collecting on them, but as far as giving us that it would be Sediq coming, no, I think they had got that intel that Sediq was going to be there, but they were probably keeping a little close or eye-on these guys just because clan issues in the area.

IO: Did anybody ever PID Sediq?

WIT: On the dead, sir? No.

IO: No ■

WIT: The guy that called us said he is here I just saw him.

IO: So during the OP?

WIT: During the OP we did not find him.

IO: And afterwards?

WIT: After the OP, we did not find -- no, we did get GISTING from the DST saying describing, describing how he escaped from the attack and that he was lucky to be alive.

IO: Now based on the amount of fire that's coming in on you from different sides and our understanding, tell us about the containment if you know about it. How was the village contained when that occurred?

WIT: No, we didn't get any elements to the north of the objective, north west north west anything to the north. Basically we had vehicles parallel with 26, kind of south of 25 and then we pushed some vehicles up around by 13 and up around past there to -- that was later in the night to kind of try to seal the backside off. On the north side here this is like underground water systems and like the contacts even told us prior to getting there if we don't get there fast they will jump in the grease and be gone. So because of terrain and because of built up area we couldn't get anybody back there. But we did have from 26 south all the way around to 13 sealed off.

IO: Well let me ask you this: is it probable that when you attacked the Taliban forces that they started slipping out through this hole and that's where the majority of the fighters and Mullah Sediq may have gone?

WIT: It's highly likely that Sediq did escape that way because when they first came up all the fire and contact was focused around here so, the aircraft was probably focused on checking out where the fires from the roof tops and stuff were coming out and not really seeing one or two guys slip out the back.

DIO: To the north?

WIT: Yes, sir. You can see it on the GRG. It kind of starts there it's off the GRG a little further too, it's where the creases start on the map it's the little holes you see like little circles. And actually you can jump down into the circle and run its like a little cavern.

IO: Oh, that's what those circles are?

DIO: It's irrigation.

WIT: Yeah, it goes down to an underground river, basically and then they actually -- if you get a map of the area they run probably -- probably about 15 to 20 clicks out into the desert away from the town. They run far out there. So if you can get inside of one, you can go forever and get away.

IO: Well (b)(3)130b, (b)(6) the obvious question again is, if that's what we thought including the source was with you on the objective where they could go, why wasn't there a containment plan to do that to the south versus the SOUTH?

WIT: Just because of terrain, sir, wouldn't allow us to get up there. What we mitigated that was speed, using the IOVs to get in there, to get as close as we could before the early warning could get us.

IO: Was there any abort criteria?

WIT: We had our (b)(1)1.4a that. But yeah, if a source came across and said he wasn't there, SUDEKE was the target he was the trigger, if he wasn't there we weren't going.

DIO: Loss of surprise was wasn't one of them? Did you feel like you lost surprise? I mean, you got right up to the objective.

WIT: No, we didn't feel like we lost surprise because they were up on the objective once they started firing, so we still had that surprise. Now (b)(1)1.4c, (b)(3) 50 USC 3024(i) but they were already up in the objective area once they got shot at.

IO: Okay, not really having a (b)(1)1.4a up in the moments before the operation to establish pattern of life is and everything else, you just kind of go off a historical (b)(1)1.4c, (b)(3) 50 USC which you know about the area, how people operate. You're rolling up on the objective, taking fire, very clear on the engagements of buildings 1, 2 and 3. Where the fire is emanating from. And even 35 and some of the others. Given the fact that people are going to hunker down in their houses, and you've got people squirting around the objective and then moving back in and occupying houses and shooting, we look at law of war conflict, necessity, discrimination, proportionality. 82 rounds of (b)(3) 50 USC 243 rounds of 40 mm into these homes, in and around and objective area. I mean your mind -- was there any question in you mind if you were meeting those three criteria?

WIT: I thought at all times that we were meeting the criteria that were set forth by higher for ROE. I didn't feel that we were straining in any way.

IO: Is there any way that you could have used a different weapon system, different TTPs for proportionality, because quite frankly people look at the ordinance in this and they blush at 82 rounds and (b)(3) 50 USC 3024(i)

WIT: Right. Well, I think sir, if we had tried to suppress with our organic weapons, our Mark 47s, our 16 millimeters, our 50 Cal, I think we would have done more damage than using the (b)(3) 50 USC 3024(i) (b)(1)1.4c, (b)(3) 50 USC with the type of optics and sensors they have to use more precision fire than what we have organic to us.

IO: And is some of that because you're going flash trajectory line of sight, you're tracing muzzle flashes, and he has the high perspective and stabilized flight?

WIT: Correct, sir. He's got the high ground, he's got the good sensors, (b)(1)1.4c, (b)(3) 50 USC 3024(i) (b)(1)1.4c, (b)(3) 50 USC 3024(i) And I'd be shooting through NODS with the 60 millimeter mortar and then that's indirect mortar systems are (b)(1)1.4c, (b)(3) 50 USC 3024(i) And we would

have gone, I believe we would have done a lot more damage if we had tried to clear with direct fire and indirect fire that we had organic to us.

IO: What about just clearing it CQB?

WIT: Again, with the fire that we were taking from multiple positions, I think the loss of life would have been high.

IO: On both sides?

WIT: Correct, on both sides. We would have lost a lot of commandos and probably a couple more casualties in there, so I think that that was our best and proper choice for what we had.

IO: (b)(3)130b, (b)(3) going back to that proportionality analysis, if there was a thought that he was going to escape through the hatch, any thought to the proportionality to blowing those houses down or rather just withdraw and try to surprise them another day, or the alternative, you know, he's possibility trying to escape out this direction, just push in this way and have a crew waiting for him on the outside? I know the -

WIT: Right. The problem, like I said was the multiple get taken multiple engagements from multiple spots it seemed no matter which way we moved they could try to shoot at all from different spots, so if we would have pulled back we would have left a lot of guys on the objective with guns shooting at us and going off if we would have tried to move around and get someone to get them again, we're looking at again talking fire from all these spots and if we move someone around and the thing with this area back here there's a lot of farmlands and vehicles cannot move quickly there. We would have got a -- we would have lost a vehicle. We already last one in SHAWANA, we weren't going to lose another vehicle.

IO: How did you lose the one in SHAWANA?

WIT: May 29th, we were rolling through SHAWAN and got hit with a near ambush.

IO: Okay.

WIT: It was my truck actually. We lost my rear gunner I lost him I got hurt evac'ed back to Walter Reed, and the team Sergeant was in the back, he is back in the states still. And our turret gunner -- maneuver trucks in the back is just too difficult.

LA: I may have misunderstood something. Was there -- I thought there was a point where you had pulled everybody back to 26. There wasn't anybody in the -- in any of the other buildings, everybody was in 26.

WIT: Correct. Initially they -- I think they took like 39, 39A, and then they ended up back in 26 when we got there and then we had guys along the wall 25 and then we had vehicles spread out around the backside. But sis mounts were 25 and 26.

IO: Okay.

LA (b)(3)(130b, (106) comment on the -- so I'm clear, you say you cleared the buildings in the those three buildings that you mentioned. Was that considered just clearing or was that SSE?

WIT: We did an initial clear through to make sure that we had gotten rid of all hostile threats, and then we came back through and did a detailed SSE which was probably about four hours worth of SSE.

IO: Talk to me on my way out with regard to clearing. Did you see any civilians?

WIT: I personally saw two children and one woman dead.

IO: Dead?

WIT: Yes.

IO: Okay. How about enemy combatants?

WIT: Yeah, I saw, myself personally I saw seven.

IO: Seven enemy combatants. And just so I'm clear, two children and one woman?

WIT: Yes. And then seven enemy combatants.

IO: As you recall at least on the clearing motions was that day light, still at night?

WIT: No. When we hit Building 4 is when the sun started coming up. Building 4 is when I actually skipped from NODS to regular eyes.

IO: And then on the way back through, other than the SSE and we've got again in you package everything that you took off the objective any other sightings of casualties?

WIT: Yeah, once we came back and did the SSE by Building 2 is when we found the one woman and one little girl that was injured, and then we started doing treatment on her and Evac'ed her with us back to the fire base.

IO: Okay, so by your recollection, we're up to seven deceased enemy combatants two children and one woman deceased?

WIT: Right.

IO: And on the way back down on the SSE you had the two injured?

WIT: Yes, that's what I saw personally.

LA: (b)(6) just walking through today and seeing some of the pictures, it looks like there was a roof caved in several places. I don't suppose that you guys have equipment or anything to remove that rubble so there may have been enemy combatants or civilians for that matter underneath that rubble?

WIT: Yes, there could have been. We did not have a capability of moving all the rubble. Now today there was more rubble down than when we went through. Like Building 1, I was walking on that roof that was collapsed into the building. The gray building in the middle. Yeah, there was only one little hole in the roof when we were there at morning. Now I'm sure it was structurally unsound, so they pulled it down to rebuild it, but it looked a lot worse now than it did when we were there, and same thing with Building 2. That whole wall was -- that we walked in over was all fine except the front part was down a little bit, we could kind of shimmy through and then those rooms that we were standing on when you guys were asking the civilians there questions, those were still erect, and just the front of them were falling down. So, a lot of the stuff looked worse today than it did when we were there because they had you know, pulled rubble down to fix it, I guess, but it looked a lot worse today than it did on the day that we were there. But yeah, we did not have the capabilities to dig through. We had the commandos in certain spots to move as much rubble as they could to try and look under there, but we're short on manpower, short on tools. We tried to do the best we could with what we had.

IO: So in your opinion, given the SSE, given time and space and manpower, is it feasible that given the destruction of seven buildings by the gunship, one by the (b)(1)1.4a that there were civilians in the rubble?

WIT: There could have been.

IO: Okay. As (b)(3)130b, (b)(6) has described with other witnesses, we're painting a (b)(3)130b, (b)(6) (b)(3)130b, (b)(6) somewhere in the 30s, as well as you know there's cell phone videos and other evidence out there, that suggests up to 90. Is it possible that 60 civilians could be in the rubble on the objective?

WIT: Sixty possibly, but unlikely. But maybe 60. Maybe one of the buildings had -- you know, but all the rubble was no more than a foot high, so it wasn't like it was hiding an abundance of people under them. There wasn't a lot of tattered clothing or shoes hanging around the buildings, it looked like -- every building we went into looked like it was vacated. Even the buildings around it that I've cleared 50, 51, 53, 52, 54, which didn't receive any damage from both, there was nobody in them. I think 52 had three people in it, 51 had nobody in it, 50 had like two or three people in it. So the amount of people that were around the area was minimal so, it's highly unlikely that there was -- that hey happened to just be there and not in any of the other buildings.

LA: So you think highly unlikely on 60?

WIT: Right.

LA: About 40, 50?

WIT: Forty. It could have been around 40.

IO: Okay. To the best of your recollection on the clearing to the north-north west and then the SSE coming back down through, through daylight you didn't see anything or than the seven bodies you identified and the warrant officer and one for the civilian guy?

WIT: Correct.

IO: No crying, wailing, nothing to indicate that there might have been civilians in the objective area that you didn't pursue?

WIT: Nothing, sir. Like I said, the lack of people was kind of odd, actually. But the ones we did find they didn't -- we were asking them about the buildings they engaged, and they didn't even really care about what was going on over there. No, there was no civilians. And actually in one of the buildings as we were still doing our SSE, a woman came out and started hanging her laundry, so it was a normal day for them even though we had been there.

IO: Do you consider the mission a success?

WIT: I consider it a success, yes, sir.

IO: Even though you didn't get Sediq?

WIT: Yes. We disrupted his Shura and definitely took out some Taliban fighters that caused problems for us in our area so yes, it was a success.

IO: If you were to get another tip on Sediq coming back in the backyard, given how your mission planned this one would you do anything different?

WIT: No, sir. I wouldn't do anything different.

IO: Okay.

LA: With regard to the cooking pots, I know we went over that, on site. For the record, could you describe whether you saw any cooking pots, cooking utensils, cooking in the -- I think it's the BORSHAWN house across the street from it in that open courtyard, did you see any bricks hanging

WIT: No. There was no cooking pots, no signs of any kind of cooking whatsoever, black soot on any of the rocks around it or in the wall or nothing. There was no signs of cooking going on at all.

LA: Okay.

IO: Okay. (b)(3)130b, (b)(6) If you would keep this conversation to yourself.

Encl 9

VERBATIM STATEMENT

OF

(b)(3)130b, (b)(6)

on

22 Sep 08

PERSONS PRESENT:

Brig Gen Mike Callan, Investigating Officer (IO)

(b)(3)130b, (b)(6) Deputy Investigating Officer (DIO)

(b)(3)130b, (b)(6) Legal Advisor (LA)

(b)(3)130b, (b)(6) Witness (WIT)

LA: For the record, please state your name.

WIT: (b)(3)130b, (b)(6)

IO: Your rank?

WIT: (b)(3)130b, (b)(6)

LA: Your unit of assignment?

WIT: MSOC (b)(6)

LA: And of course you're Marines.

Your witness.

[The investigating officer explained the purpose of the investigation.]

IO: For the record could you give us a five or ten minute overview of the mission if you will and your involvement in it, what you briefed, what you saw and how the mission went down from your perspective, please.

WIT: Yes, sir. On the 20th, I'm pretty sure it was the 20th, we received information that Mulla Sudik was going to be at ABDUL REZA's house in Azizabad. I took that information, I knew that (b)(1)1.4c, (b)(3) 50 USC 3024 had a well (b)(1)1.4c, (b)(3) 50 USC 3024 corroborated that ABDUL REZA did have a relationship and, in fact, is the uncle of Mulla SUDIK. Also corroborated that SUDIK was working with REZA for some unspecified deal somehow involving the government of Afghanistan. Part of that is that it could have possibly been PTS which is the reconciliation which is a toy they use to take pressure off just as Mulla Sultan did down in Sharah region

fire from the roof tops and so, the (b)(1)1.4c did his job and called in fire on those locations where they were receiving fire from. They went through afterwards, they found the weapons cache, they identified that REZA was killed. One of the (b)(1)1.4c, (b)(3) 50 USC 3024(i) that had called in that Sedik was at the target was also identified as being killed on the location.

IO: (b)(1)1.4c, (b)(3) 50 USC 3024(i)?

WIT: (b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(3) 50 USC 3024(i), (b)(6)

DIO: Who was the (b)(3) 50 USC 3024(i), (b)(6)

WIT: (b)(3) 50 USC 3024(i), (b)(6) for all the –

DIO: And the (b)(3) 50 USC 3024(i), (b)(6) ?

WIT: No, sir. The (b)(3) 50 USC 3024(i), (b)(6) was like I said, didn't identify him they didn't want to identify him.

DIO: (b)(3) 50 USC 3024(i), (b)(6) ?

WIT: Yes, sir. (b)(3) 50 USC 3024(i), (b)(6)

IO: REZA?

WIT: In the other reporting, yes, he's been identified, I was trying to avoid that, but yes, REZA.

IO: (b)(3) 130b, let him finish. Anything else? Go ahead.

WIT: Fighting continued for two hours, you got air shooting at you, because we're the only ones that have air support like this, you know who the hell you're shooting at. They -- I really did not expect them, in fact, the email exchange between myself and the (b)(1)1.4c, (b)(3) 50 USC 3024(i) that night irony was one, he had asked okay, when you go in, do me a favor and, you know, just remind the OPs guys not to tear up the place too much. And the other part was something about well, if the PTS thing is true, you may find yourself to have a very cooperative detainee. At least he won't put up much of a fight, which really I did not expect him to put up a fight. In the raids that we've done out here they have not put up a fight. Even when we went into Shwan, cleared SHAWAN back in May, they didn't fire a single shot, they didn't need to. For them survival is winning, so -- sir?

IO: Why the big fight? I mean –

WIT: That's exactly it. And when I wrote the next day an (b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

IO: Was Mulla Sedik that important?

WIT: He's a pretty bad guy. I have reason to believe, especially with the post (b)(3) that there was more to it than just Sedik.

LA: There's other potential senior leaders? Is it supposed to be a Shura anyway --

WIT: Yes, sir I would not be surprised if there was Iranian involvement or something to that effect because some of the post reporting has shown me now that REZA had more connections to

(b)(6)

(b)(6)

(b)(6)

and (b)(6) than what was previously suspected, in fact, the link to (b)(1)1.4c, (b)(3) 50 USC 3024(i)

was really well hidden. We knew that Timor Shah when (b)(1)1.4c, (b)(3) 50 USC 3024(i) he was (b)(3) 50 USC 3024(i) and his compound. And that's why (b)(6) whacked him, shot him in the head in the bazaar, you know, our hate and Armor Group's hate for Shah came up. And in retrospect, pouring over this for the last several months it's no secret I was never a fan of targeting (b)(6) Because it was just a rivalry, it was a rivalry for contracts on the base, but nonetheless, we looked at it, we looked at it objectively, and he was a force protection problem for the area, and so we pursued that and that path. Ultimately ISAF said, hey we don't have it for him. We tabled it and we continued to (b)(6) nitor it. But to get back -- because of the links with (b)(6) because of the Iranian pressure, (b)(1)1.4c, (b)(3) 50 USC 3024(i) and pushing of the SOFA which a week before this incident gone down, (b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i) but I'm pretty sure that there was something more involved that they were protecting, because like I said, when we went to Carolina, even when we went to (b)(6) we -- the team planned it so that we would force them to fight, we would draw them in and they didn't. And there was some tribal dynamics that had to do with that were really surprising. I think a lot of that had to do with the fact that (b)(6) uncle (b)(6) and (b)(6) were killed and they lost a lot of that tribal and political support with (b)(6) (b)(6) but nonetheless, sir, I'm still trying to find out what it is that made him fight. We haven't found that piece of the puzzle yet.

IO: Is there any evidence either post strike (b)(3) outside of your hunch, obviously their actions on

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i) Is there anything that has corroborated that hunch, post strike (b)(3) 50 USC 3024(i) If we got to clear the room, we will, we can get into JPAS if we want, we are all (b)(3) 50 USC 3024(i)

WIT: Yes, sir. The biggest thing is just -- and like I said, I don't have that piece of the puzzle, but what I have is the way it has been exploited (b)(6) direct interest in this, (b)(6) (b)(6) has stepped up to the plate since JAMAL and SATAR were taken out. And even after,

two weeks after he was wounded in a strike on him down in ANDERSKAN, hell, we alMULLAst killed him.

IO: (b)(6) is who again?

WIT: (b)(6) -- I'm sorry not ANDERSKAN, ANDADARA. He is a direct link with IRGC COOS COURSE.

IO: Lethal aid?

WIT: Lethal aid, yes, sir. And so (b)(6) And he continues to be -- and my recommendation to my replacement is, he's your number one target. Get him, because they're strength is their network.

IO: Absolutely. So you think some of the stuff that you have generated post strike has pointed towards (b)(6)?

WIT: His interest in this, yes, sir. And his directing of movement of people.

IO: What can you tell us about the (b)(1)1.4c, (b)(3) 50 USC assessment prestrike?

WIT: For the village?

IO: For the village. How recent was it, was it all historically based, did you have anything, what was the (b)(1)1.4c, (b)(3) 50 USC going in.

WIT: (b)(1)1.4c, (b)(3) 50 USC is a really broad, sir, do you have a specific aspect?

IO: Okay, we're going on target, we're going to REZA's house, what do we know about REZA's house, what do we know about the compound, what do we know about anything else going on, there was talk of a ceremony for Timor Shah going on, was that communicated, what was going on? What was passed?

WIT: I was not aware of the ceremony until the day after, or the day of, the 22nd after the incident went down. So as far as that goes I was unaware of it.

IO: I mean, the brief for the operators going in, you're going to get in, you're going to get an target and this is Taliban Shura, we're going to expect nobody but bad guys there, or --

WIT: No, sir. No, sir, it was like I said, a lot of the people work on the fire base, on the air field, work there. We're well aware that the village is like any other village we go into, we got woman, children, families. (b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i) We've had one guy, first time we went did a level two on (b)(6) one of the guys that we did detain was hiding under his wife and children, they were actually sitting on him trying to conceal him. (b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i) So we were well aware that (b)(1)1.4c, (b)(3) 50 USC 3024(i)
(b)(1)1.4c, (b)(3) 50 USC 3024(i) woman and children were going to be in these houses as well.

IO: So again to the question of (b)(1)1.4c, (b)(3) 50 USC 3024(i) more or less, you and I would call it cultural sensitivity to the team before the objective, but anything else?

WIT: Normal (b)(1)1.4c, (b)(3) 50 USC 3024(i) one, 2:00 in the Morning playing cards, 4:30

LA: The adult males, or?

WIT: Mainly adult males.

LA: Okay, the woman and children go to bed earlier?

WIT: (b)(1)1.4c, (b)(3) 50 USC 3024(i)
(b)(1)1.4c, (b)(3) 50 USC 3024(i)
(b)(1)1.4c, (b)(3) 50 USC 3024(i)

LA: There's -- I saw one piece of information that suggested that (b)(6) family is alleged to have gone over there earlier in the day before you got there. Did you see any reports about that, hear anything about that?

WIT: I was -- no, sir. Unless they want to (b)(1)1.4c, (b)(3) 50 USC 3024(i) that was in there, that went over earlier in the day and got the GPS is not (b)(6) family, he is part of REZA's family.

IO: The (b)(1)1.4c, (b)(3) 50 USC 3024(i)

WIT: The (b)(1)1.4c, (b)(3) 50 USC 3024(i) that was killed.

IO: Okay, but is the (b)(6) family?

WIT: No, he's actually REZA's family. He is closely linked to (b)(6) brother. He used to work for (b)(6) He subsequently told me one of the times that I -- (b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)
(b)(1)1.4c, (b)(3) 50 USC 3024(i) During one of these trips they were trying to get me to give them weapons permits. I am adamantly opposed to it, so (b)(3)130b, (b)(6) shows me that he's got a weapons cards for I forgot the name of the company, but one of the local security companies up in ANDERSKAN that was valid from June of this year until June of next year if I remember it correctly. I have it documented in the file, so even then, (b)(6) brother does want work for him any MULLAr, he's working for somebody else. The two of them try to set up businesses. They were also asking me to get them contacts to where they could rent equipment and vehicles to ours and arMULLAr group and whoever else.

So they are trying to go into business for themselves, but at the same time they'll tell you, we don't do anything, we are just here for you, which is just --

IO: Moonlighting?

WIT: Yes, sir. Telling us what they thing we want to hear. We don't pay them enough to sustain them for all their living. I wouldn't want, I wouldn't trust them if they were only just working for me like that, it's not good, -- but as far as any of --

LA: (b)(6) was a former employer of (b)(6)?

WIT: That's correct.

LA: But he's related to REZA?

WIT: Yes.

LA: Related to REZA?

WIT: Yes.

LA: These two are best friends?

WIT: Yes.

LA: (b)(6) which is the (b)(3) 50 USC 3024(i)

WIT: Yes, sir.

LA: And he's a brother to (b)(6)?

WIT: Yes, sir.

LA: So these two had some sort of previous relationship or current relationship with (b)(6)?

WIT: Yes. They do still have a relationship with (b)(6)

LA: And then you also had a confirmation from REZA that Mulla SUDIK would be --

WIT: Well, not that SUDIK was going to be there, but what we had was that he was, in fact -- REZA was, in fact, SUDIK's uncle and that REZA was working a deal with SUDIK which was the name information, corroborating information that (b)(6) had provided that REZA was working a deal for SUDIK or something to do with the government.

IO: Trying to bring him in?

WIT: Well, on (b)(6) side, he didn't know what it was. On the -- from the DA side it was the possibly, probably the PTS.

IO: Okay. That's what REZA was telling his handlers?

WIT: That's correct.

IO: So we had heard MULLA SUDIK -- that REZA had confirmed MULLA SUDIK would be there that night, you're saying no?

WIT: No, I've never said that, I've never said it was confirmed. It's just that he corroborated the information, the rest of the information, the association and the working of the deal. Before REZA had told his case officer that he -- when asked about his relationship with REZA when it first came to light he says oh, he would kill me, yes we're family, but they know, the Taliban know that I work with the Americans and so they would, you know, you can't ask me about those things I don't deal with them, I have no knowledge on this. Which to me is garbage and in retrospect, you know, it's proven to be garbage.

IO: The afghan allegation, or at least one of them is, again, as you are aware of tribal and/or clan this target this.

WIT: Yes, sir.

IO: You think that's false?

WIT: Yes, sir.

IO: Okay. And the answer to the questions which is again, similar to what we've asked other folks is that other than (b)(1)1.4c, (b)(3) 50 USC 3024(i) that basically triggered the OP, you're comfort with the trigger being that.

WIT: Yes, sir. Iraq, everything I did over there was based on (b)(1)1.4c, (b)(3) 50 USC 3024(i) And you use (b)(1)1.4c, (b)(3) 50 USC 3024(i) figures like this all the time and it was very successful. And so from my experience I'm comfort with them, sir.

IO: Did -- to the best of your knowledge, did anybody PID SUDIK on the objective?

WIT: No, sir.

IO: Did anybody PID SUDIK after the objective?

WIT: No, sir.

IO: Is he still on the list?

LA: The JPEL.

WIT: I believe he's been taken off because I did see somewhere that ISAF has declared that he was killed.

IO: And what basis for us, non-intel professionals, what's the basis by which a name is removed off the list?

WIT: Kill or capture, or -- it cycles. Unlike Iraq, and it's done better here in Afghanistan, rather than having 2,000 names on your JPEL, if they're not continued or renominate they come off the JPEL list.

IO: So based upon your answers to the first two questions, and your belief that he is off the list, what justifies his name being taken off the list?

WIT: He was declared killed.

IO: By whom?

WIT: My understanding was ISAF.

IO: Okay, but --

WIT: I have nothing, I have nothing to corroborate that he was killed. And, in fact, again the (b)(1.4c, (b)(3) 50 USC 3024) emailed me and asked me was this guy, was he killed, what's the deal and you know, rumors reporting radio he was declared killed. I've got nothing to corroborate.

IO: Okay so you believe that's an ISAF decision, independent decision, and we've got no information you're aware of that corroborates that.

WIT: That's to my knowledge, sir.

IO: If we can (b)(3)130b, (b)(6) going back using G R G. When you were briefing the guys on, you know, the make up of the town, you had said that it would be a normal afghan town essentially, yes? Woman and children spread throughout.

WIT: Okay when you say, you, my team, yes, sir. Me personally, no.

IO: Who briefed the team on --

WIT: I believe it was (b)(3)130b, (b)(6). He is my senior analyst and he normally does briefings for us.

IO: Okay. Were you present in the briefing?

WIT: I don't recall.

IO: Okay. So we have to talk to --

WIT: I don't always attend every briefing.

IO: Do you know what he briefed?

WIT: I'm sorry, sir?

IO: Do you know when he briefed?

WIT: What he briefed? The normal things that he would brief, the intelligence leading into this, what they had expect --

IO: No worries. We can talk to him. And get the --

WIT: Actually he's in the states.

IO: He's gone? Okay.

WIT: He ended up on emergency leave as he was PCSed or --

IO: Ripping out. Yeah. What we're trying to get at is what's the typical brief, you can probably provide that in this case. What's the typical brief when you're looking at a city with regard to the inhabitants and how to deal with them and that sort of thing? Have you guys done a lot of urban OPs like this?

WIT: Well, all these villages are the same in that regard. Whether they are in -- off the main highway or they are back out in the objective area or out in the hills, you still have a dense population in a small area with houses built upon each other, small little walled compounds, so.

IO: Everybody is packed into the --

WIT: Yes, sir, so it's really SOP. The terrain may be a little different but the composition stays the same.

IO: (b)(3)130b, again, you said you were not aware of the ceremony.

WIT: No, sir I did not find out about the ceremony until that morning, we were doing the SSE down stairs actually right out here taking care of the detainees and later that day, I talked to (b)(6) that runs the Armor Group, he's not here right now, he's on leave, and talking to the detainees, interviewing the detainees is when I found out about if, sir.

IO: The (b)(6) who you think briefed the operators, was he aware of it?

WIT: No, sir.

IO: He wasn't?

WIT: No. My office, we are all in one little spot, --

IO: To the decree that you were talking to the detainees and the SSE afterwards, do you have any doubt that there was a ceremony planned for that day?

WIT: My initial reaction was why would they do it 8 months, nine months -- you know, why wouldn't it be on the anniversary or why wouldn't it be 90 days so the timing just seemed odd to me that there was no -- there was no signature to this day to tribute it to the day that he was killed.

IO: So again, do you have any doubt that it was -- invitations were sent and folks were coming or are you saying that it's another (b)(3) 50 USC 3024(i) to

WIT: No, I believe that they probably did send out these invitations, I just think that they used that opportunity as cover for the Taliban meeting.

IO: So you think the Shura and the ceremony are somehow woven together?

WIT: Yes, sir.

IO: A conscious effort.

WIT: Yes, sir. I don't think that's an unrealistic assessment, they are really savvy people. They are very creative.

IO: Next, if you don't mind, you talked about you're watching this in the SCIF.

WIT: Yes, sir.

IO: And you're watching down feed from, you said a (b)(1)1.4a?

WIT: I believe -- well, it was not a (b)(1)1.4a, it was --

LA: (b)(1)1.4a

WIT: No, sir. It's another one that has -- it's actually a (b)(1)1.4a you know, type.

LA: (b)(1)1.4a

WIT: (b)(1)1.4c, (b)(3) 50 USC 3024(i)
(b)(1)1.4c, (b)(3) 50 USC 3024(i)

IO: It's an (b)(1)1.4a is what you're --

(b)(6) No, he's talking about the --

WIT: No, sir, not the --

DIO: It looks like the (b)(1)1.4a on steroids.

WIT: Yes, sir.

IO: Right. And again you more or less said this kind of comprehensive, but was the (b)(1)1.4a on target the entire time.

WIT: Yes, sir.

IO: Okay. And you saw it all?

WIT: Well, went up on the roof and watched a little bit.

IO: Which roof?

WIT: Not this roof, the –

IO: Compound roof?

WIT: We call it the frat, house, basically. Where me and my guys live. We went up on the roof for a little bit and kind of watched the C 130 flying over.

IO: So you watched it with your eyes as opposed to in the SCIF.

WIT: Yes, sir.

IO: And your observations?

WIT: One of my initial comments was if you put a machine gun nest object top of the roof where your woman and children are sleeping, and you shoot while you're receiving air fire, you can expect civilian casualties.

IO: And you saw these machine guns on the roofs.

WIT: No, sir. I could not, and of course the (b)(1)1.4a is not always trained on what the guy is looking at, to the contrary at one point it scanned up and down the US one to make sure that no IEDs were being placed, in fact, at one point it did hone in on one location, continued farther north, turned back, came back to that location, honed in again and then moved back and got back on the objective.

IO: Okay, so if you didn't see it from the roof top with your eyes and you didn't see it from the (b)(1)1.4a video, then I'm missing the connection with regard to maneuver guns on roofs?

WIT: Post photos with the dead Taliban with chest rigs and weapons at their sides on the roof top. So did I personally see it, no. But I saw the evidence and I got the post mission information from the teams and what they received.

DIO: What were you able to see from the roof top when you looked down there?

WIT: Nothing.

DIO: Did you see tracer fire, did you see --

WIT: One time we saw one flash come in, we really couldn't see a whole lot so we didn't stay up for --

DIO: From the (b)(1)1.4a?

WIT: Yes, sir. We don't have direct line of sight on the village, but it was close enough that we could hear everything going on, you could hear the exchange of the gun fire and also the (b)(1)1.4a fire.

IO: Okay. Probably last for me is, from what you saw on the (b)(1)1.4a video and/or visually, from your perspective during the operation, was every target legit?

WIT: That's where I have to side with the (b)(3) 50 USC 3024(i), (b)(6) I have nothing to suspect that they would use unnecessary force. To the contrary, you look at what they chose to shoot at, it wasn't indiscriminate. It was very precise. Again we used the (b)(1)1.4a as opposed to calling in, you know, something dropping 500 pounders. One 500-pounder from the (b)(1)1.4a was dropped, which I did watch that actually on the (b)(1)1.4a feed. No, sir. It was very deliberate fire on locations that they identified as being Taliban or receiving fire from.

LA: If I may follow up with a question. A little bit before, you said REZA did not substantiate that MULLA SUDIK would be there that night.

WIT: No, sir.

LA: Okay.

WIT: I don't think he would.

LA: So you were relying on (b)(3) 50 USC 3024(i), (b)(6) ?

WIT: Yes, sir.

LA: And what is the reason -- is it inconceivable that these three could be coordinating something with (b)(6) to get REZA taken out?

WIT: Is it possible, yes, sir. Did those thoughts cross my mind? Yes, sir. And that's why I double checked with (b)(3) 50 USC 3024(i), (b)(6) to see if that relationship did exist. The (b)(1)1.4c, (b)(3) 50 USC 3024(i), (b)(6) had told me before that it did exist, so I sent him an email that said hey, didn't you tell me once that SUDIK was REZA's cousin and he wrote back and said no, he was his he's actually his uncle, REZA is actually SUDIK's uncle and working -- this was kind of unsolicited, I didn't say anything about

REZA was working a deal with SUDIK, he sent back and said hey, he's working some kind of deal right now with him and him and another guy I can never remember his name, it starts with a B, he's up in Herat, he's kind of a guy that's not even on their radar. And they're getting pressure to work some kind of deal. And like I said it was possibly the PTS –

LA: -- angle.

WIT: Yes, sir.

LA: But what established in your mind that SUDIK would be there aside from these guys who may have been working for him?

WIT: Nothing. It's just a single trigger and, again, going back to my experience, that's fine. There was enough corroboration of the relationship and the deal going down that it was logical to say yeah, they got to get together and this is how they're going to do it.

LA: Going back to the inconceivable piece. Could they have used this as an opportunity SUDIK is in town, to possibly also force an action against REZA?

WIT: Yeah –

LA: We're conjecturing here –

WIT: Yes. It's possible that that was part of their motivation. We certainly (b)(1)1.4c, (b)(3) 50 USC 3024(i) and, sometimes -- none of these people have the best of motivations and I always hammer it in my guy's heads that I don't want to see in their source bylines, past favorable relationship with U.S. or past favorable experience with U.S. is their motivation with helping us. That's bullshit. That's lazy. You gotta have a motivation. And that motivation lends itself to the credibility. Now having met with these knuckleheads -- and I use that term just because I refer to a lot of arbitrary -- I met with these guys, yes. I know that there is a relationship to (b)(6) I know that they now have (b)(6) now has a problem with REZA. (b)(6) used to be a (b)(1)1.4c, (b)(3) 50 USC 3024(i) for REZA and I was able to convince (b)(3) 50 USC 3024(i) to let us have him and run him directly and break him away. But at that same token, (b)(6) used to be a prime reporter against (b)(6) and a previous JPEL nomination. And had he provided good information like he did on (b)(6) and the other stuff, he would have been a (b)(3) 50 USC 3024(i) and we probably would have gotten a JPEL nomination through on (b)(6) (b)(1)1.4c, (b)(3) 50 USC 3024(i) That was what ISAF came back with, we didn't have it because at that time he was an (b)(3) 50 USC 3024(i) So he proved himself after that, so then we bumped him up. But even if his motivation was solely revenge at REZA, it still was corroborated information that that relationship –

LA: You still felt that he was going to be there regardless of the reasons for –

WIT: Yes, sir. I felt more than confident that he was there and then when the asset was there saying yeah, he is here, and (b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 2242 Post assessment, we are even more reinforced with the involvement of (b)(6) and these other guys being involved.

LA: In the after piece.

WIT: In the after piece.

LA: Could you explore that a little bit for us?

WIT: Well as I explained, (b)(3) having (b)(6) calling in inquiring and directing stuff after the fact open up that REZA had a bigger direct connection. Had been direct connection to (b)(6) that we didn't know about before that he had been concealing from his (b)(1) 1.4c, (b)(3) 50 USC 3025. So again just the post-mission stuff shows that it was still a good mission.

[The investigating officer explained the investigation deadlines, thanked the witness for his service, and instructed the witness to treat their discussion as confidential.]

Encl 10

VERBATIM STATEMENT

OF

(b)(3)130b, (b)(6)

on

22 Sep 08

PERSONS PRESENT:

Brig Gen Mike Callan, Investigating Officer (IO)

(b)(3)130b, (b)(6) Deputy Investigating Officer (DIO)

(b)(3)130b, (b)(6) Legal Advisor (LA)

(b)(3)130b, (b)(6) Witness (WIT)

The witness was sworn.

LA: State your full name for the record.

WIT: It's (b)(3)130b, (b)(6)

LA: Rank?

WIT: (b)(3)130b, (b)(6)

LA: Unit of assignment?

WIT: Is (b)(1)1.4c, (b)(3) 50 USC 3024(i)

LA: Okay. What's your job?

WIT: I am the (b)(6)

LA: Okay. Thank you. Your witness, sir.

[The investigating officer explained the facts surrounding the investigation to the witness.]

IO: If you would, from perspective with regard to the operation, give us a five to ten minute overview, going into whatever depth you think is necessary, from your perspective, what you were briefed, what you did, what you saw.

WIT: Okay, sir. Basically what was happening was MO SUDEKE was identified as one of the other kind of Taliban facilitators in the area with R C G ties that weren't able to enter dict during AIRAM TANDER the month prior. I know a (b)(1)1.4c, (b)(3) 50 USC 3024(i) said that he was going to be at a meeting in the area in Azizabad that night and then they had him added, well I mean he

got vetted into the JPEL, we put up a (b)(1)1.4c, (b)(3) 50 USC 3024(i) and then it didn't look, I mean it was flipping back and forth on whether or not we would get the actual trigger that we needed to scoot the operation when an actually sub-contact of your contact was present at the meeting and called us saying okay, MO SUDEKE is here. So then we sent it up that we were going to execute. (b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

We were going to push a little bit slower, but we were directed by (b)(3)130b, (b)(6) and because of the early warning threat, we were going to close that time gap in between the two elements. And then as we were rolling out towards the highway, we got coms over the radio that contact had been made and that we already had a coalition casualty at that point, didn't know any details. Threw white lights on, started hauling ass on Highway 1 to get there. We didn't know exactly where we were on the target as we were coming in because we were still white lights, and you couldn't see much more than where your headlights were. They shot up a couple of parachute flares so we could key in on their position. We rolled in, I was in a blocking position to the south. I can't see the GRG from here, but thank you, sir. I was to the south of Building 26 in front of the compound that has buildings 25, 23, and 24 by the southeast corner at actually H-6. That's where my truck stayed for the remainder of the engagement, and I was the driver so I stayed there with our gunner on the Mark 47. (b)(3)130b, (b)(6) dismounted along with the other advisors from the truck, linked up with the commandos. They fit into Building 26 and they began their clearing stuff. Now, again that's where I stayed up until right about daylight. We had a consolidation point somewhere in the vicinity of Golf six, G-6, where the commando 7-tons were and as the intel guy and prime reception party kind of leader, or not reception party, but consolidation point leader, I moved my truck over there. I walked over with my (b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i) and (b)(3)130b, (b)(6) with our (b)(6) guy, with his contact who accompanied us, began deciding who we were going to detain and bring back with us. After that, as it started getting daylight, I heard over the radio that some of the clearing teams were going around through some of the buildings, they were trying to get a quick PDA. We had already been on target for several hours and we were trying to avoid any kind of a coordinated ambush or anything rolling back through the bazaar. So once they were conducting BDA, getting an actual count of dead bad guys and dead civilians, we pulled back to the consolidation point there, everybody mounted up and we rolled back to the fire base without incident. That was basically it from what I saw, sir.

LA: Beside being a driver, what is your duty in the two shop?

WIT: Basically, I'm kind of like the general S-2 for the team. I would be primary developing targets, doing force pro, threat vulnerability assessments, counter-intel screening, also admin duties such as task force, security clearances, checking on visas, all that stuff.

LA: Who does the assessment on the (b)(1)1.4c, (b)(3) 50 USC 3024(i) in the village that you were hitting?

WIT: Usually it would fall on us or fall on me, or I would request it through our A S B S, but we have the Marine DST here and they were actually helping us out a bunch since I'm not just an intel guy I'm also a team guy so I also have all my normal, I got my truck and all my other, all the training with the S-2 over on the commando side. So the an list over on the D S-2 were actually developing all these tips that we, even AIRMAM TANDER, they were the ones developing the tips and (b)(1), (b)(3), (b)(5) 1.4c, (b)(3) 50 USC 3024(i)

LA: Did you in the 2 shop have any information concerning the celebration on the next day.
WIT: Celebration on the next day?

LA: Anything else happening in the town?

WIT: From what I heard before, the mission as it was a [REDACTED] they were having a meeting there at the house, I heard later on it was a possibly a celebration for TEEMOSHAW who was killed about eighth months ago. He was one of the contractors out at the air field here and also a source [REDACTED] I can't remember if it was (b)(1), (b)(3), (b)(5) 1.4c, (b)(3) 50 USC 3024(i) or (b)(3) 50 USC 3024(i) but another guy, (b)(6) killed him probably competing for different contracts and stuff for money, and then that happened eighth or ten months ago and I heard after the fact that they said it was a celebration, an eighth month celebration for his death or something.

LA: But you didn't know that?

WIT: No, I didn't know that beforehand.

LA: And to what degree did the operators know anything, if no one in the intel world knew it?

WIT: They didn't.

LA: Okay. (b)(3) 130b, (b)(6) ?

DIO: Anything [REDACTED] they pulled 19 cell phones off target as part of the SSE. Do you know if those came off individuals or were those in a cache?

WIT: I do not know, sir. I'm trying to remember back. I don't think there's a cache on this one, I know there was another [REDACTED] oh correction, yeah. This is the one. There's a [REDACTED] in one of the buildings there was a box of a bunch of cell phones, but mostly they looked brand new.

DIO: Do you know if anything came out of the cell phone exploitation?

WIT: I think those were all brand new. I don't know offhand right now if any of them actually had SIM cards. So I can't remember I think that was Building 30 or 33, something like that.

IO: Since you work in the two shop, you're probably aware that the allegations for this is that we got duped. Hear the scene air I don't. There's clan rivalry to a degree, competing for contracts, the two what do you call them (b)(1), (b)(3), (b)(5) 1.4c, (b)(3) 50 USC 3024(i) that he found is unrated.

Fundamentally tried to convince the coalition that SUDEKE was there whether he was there or not, who knows and if he was our objectives were about settling an old score.

WIT: Yeah.

IO: Do you buy that? Yes or no.

WIT: No, I do not, sir.

IO: Why?

WIT: Why. Because follow on (b)(3) after the (b)(1) 1.4c, (b)(3) 50 USC 3024 after the radio placed SUDEKE in the area, that he escaped. Now we were targeting SUDEKE and going after SUDEKE, we weren't going after REEZA, we didn't know it was REEZA's house that all of this was happening at. We were actually legitimately targeting SUDEKE. There was calls between him and (b)(6) not him, I think an unidentified hand set and (b)(6) who is another facilitator now, it's guilty looking like another commander down at an UA dar UA that we targeted on a couple operations prior that was talking about how SUDEKE escaped the radio, he got away from it and then how they were sending people up from the ZERKO Valley to actually instigate the riots and stuff that started on and blocked the Afghani (b)(6) I think it was an ANA or ANP that came in with humanitarian aid the next day following, but they wouldn't let them into the village for the first few hours. And the (b)(3) that was got about that is that they were X FILLING some of the bodies at that point, some of the fighters. So (b)(6)

LA: Where would the bodies have been?

WIT: They're the bodies that they were X FILLING or bringing them to?

LA: The X FILLING. Just the eighth that we found, or.

WIT: Well, under rubble is possible. Yeah. I mean I don't know how much actual digging through rubble that the SSE teams did, I was at the consolidation point but I know all the photos that we got I know it was everybody that was out in the open, but yeah they probably missed people that were buried in the rubble.

IO: Did you get to do any SSE afterwards, did you ever make it into the target house or anything.

WIT: No, I never made it into any of the houses, sir.

LA: You were just waiting to pick people up and drive.

WIT: Correct. I was working with the actual (b)(6) that we had, trying to decide who we were going to detain. Once we got back, that's when we started consolidated everybody that we pulled off of the objective started inventorying, taking pictures.

IO: And you pulled the land mines off too?

WIT: We didn't pull the land mines off, that was actually found in a building and the EOD tech decided to blow it in place.

DIO: They photographed it and then blew it.

WIT: Correct. And that was basically our standard SOP. We ran into the same thing on objective coal around 14 July when we went in, we found ■ well we found an Iranian clay more that we brought back with us, but everything else got blown in place.

IO: Do you have a photo of SUDEKE for the OP?

WIT: For the OP? No, I do not.

IO: Did anybody PID SUDEKE during the objective?

WIT: During the ■

IO: During the raid, the capture/kill?

WIT: The (b)(1)1.4c, (b)(3) 50 USC 3024(i)

IO: The coalition didn't know what he looked like?

WIT: To my knowledge, no.

IO: And during the operation, the execution of the operation, no one saw him?

WIT: No, not that I know of.

IO: Did anybody PID him after the clearing or the SSE?

WIT: Not that I know of.

IO: Okay. So you speculate based on intel reports that he's still alive?

WIT: Yes, sir.

IO: All right.

[The investigating officer explained the deadlines for the investigation, thanked the witness for his service, and told the witness to treat the interview as confidential.]

Encl 11

VERBATIM STATEMENT

OF

(b)(3)130b, (b)(6)

on

22 Sep 08

PERSONS PRESENT:

Brig Gen Mike Callan, Investigating Officer (IO)

(b)(3)130b, (b)(6) Deputy Investigating Officer (DIO)

(b)(3)130b, (b)(6) Legal Advisor (LA)

(b)(3)130b, (b)(6) Witness (WIT)

LA: Please again for the record state your full name.

WIT: (b)(3)130b, (b)(6)

LA: All right. And your unit of assignment?

WIT: I'm with (b)(6)

LA: Out of (b)(6) correct?

WIT: Out of (b)(6)

LA: And let's go to come of the questions, can you get my notebook from over there? And the the GRG and the specific. What is your job here at the (b)(6)?

WIT: I do communications. I am a communications sergeant.

LA: And communications, are you also the (b)(3) 50 USC 3024(i), (b)(6)

WIT: Also do (b)(6) duties.

LA: (b)(6) What is that?

WIT: (b)(3) 50 USC 3024(i), (b)(6)

LA: Without getting into TS stuff

WIT: (b)(1)1.4c, (b)(3) 50 USC 3024(i)

LA: Okay. And you were controlling the (b)(3) 50 USC 3024(i), (b)(6)?

WIT: Yes.

LA: And were you also meeting with the (b)(1).4c, (b)(3) 50 USC 3024(i)

WIT: I met with the (b)(1).4c, (b)(3) 50 USC 3024(i) the day prior to Commander Riot.

LA: Going into Commander Riot, you also had received information. Who all had you received information from?

WIT: I got information from (b)(6) saying that MULLAH SEDIQ was going to be at a certain location on that one day, which turned out to be REZA's house, target Building 1.

LA: Okay and that day was supposed to be which? If you recall, August 21st, 22nd, that time frame?

WIT: It was the 21st, the day prior to ■ I don't remember what day, Commander Riot was the 22nd?

LA: It finished into the 22nd.

WIT: Okay, so it started on the 21st, so I met with him on the 21st.

LA: Okay. So you met with (b)(6) and then you also met with the (b)(1).4c, (b)(3) 50 USC 3024(i)

WIT: Yes.

LA: And what was your meeting like, could you summarize your meetings with these guys, what you learned from them?

WIT: Okay. I met with (b)(6) earlier in the day, they (b)(1).4c, (b)(3) 50 USC 3024(i) that said MULLAH SEDIQ was going to be at a meeting to celebrate TIMOR SHAH's death or something like that, so I ■ (b)(1).4c, (b)(3) 50 USC 3024(i) out prior to this meeting and stuff so I told them to get grid, they came in, they gave me the grids, I plotted that on the computer and then I told them to write those grids right there.

LA: The grids on this GRG map sheet says SUDEKE 1.

WIT: Yes. We have SEDIQ1 and SUDIQ 2. So I told them to go back out ■ they brought the (b)(1).4c, (b)(3) 50 USC 3024(i) in when they came in and talked to them, I talked with the (b)(1).4c, (b)(3) 50 USC 3024(i) a little bit, he told me that he was going to be at this meeting as well, so I gave the (b)(1).4c, (b)(3) 50 USC 3024(i) to take sure he knew how to use it and I told him specifically to go to the ■ where the meeting was going to be held, the reason being was (b)(6) they are pretty much burnt, everybody believes that they work for the United States, you know, U S S F, so they can't physically go and get the grids, so they had the (b)(1).4c, (b)(3) 50 USC 3024(i) don't (b)(1).4c, (b)(3) 50 USC 3024(i)

(b)(1).4c, (b)(3) 50 USC 3024(i)

(b)(1).4c, (b)(3) 50 USC 3024(i)

LA: Okay. Now for a silly question. (b)(3) 50 USC 3024(i), (b)(6) why aren't they (b)(3) 50 USC 3024(i), (b)(6) or why haven't they been elevated?

WIT: (b)(3) 50 USC 3024(i), (b)(6)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

LA: Okay. So it's just a matter of training these two and getting time to do it.

WIT: Right. Trying to validate their

LA: Claims.

WIT: Right.

LA: And what information they provided you. On the day of the when you're briefing what (b)(3) 50 USC 3024(i), (b)(6) had provided you to the team members, what did you brief them?

WIT: I briefed them what they had told me, I showed them a picture similar to that over view that you have right there, and they told me where people were on top of buildings providing over watch, they told me that there was roving guards in this compound where building 19 is, they told me building one had people on the roof to watch out, they also mentioned that in this alley way right here there was like roving guards. Apparently this was some kind of a mosque or something but I'm not sure. Forty-nine, so there was people walking back in here like a roving guard. And they said that once we pulled off highway one, there's other buildings that were to the west not on this map right here but down to the west that had people on the roof and they were like the initial warning people, so when we would come off the highway they would right away call up, hey, they're coming and try to shoot at us to slow us down, to give the other guys enough time to leave the buildings.

LA: Was there any discussion with (b)(3) 50 USC 3024(i), (b)(6) about any members that may be with MULLAH SEDIQ, woman, children, the occupants?

WIT: No, they told me, and the (b)(3) 50 USC 3024(i), (b)(6) also told me that everybody that was going to be at that meetings were Taliban commanders with their security guys. There wasn't supposed to be any woman and children on target one and he had mentioned that it was going to be about 35 people that were in building one and they were all males, you know, fighting age males that were either fighters for the Taliban commanders or the Taliban commanders themselves.

LA: Did they talk the celebration for TIMOR SHAH at all?

WIT: They said that was the main reason why they were getting together was to celebrate his death or his life or whatever.

LA: The previous grids [redacted] (b)(6) had provided?

WIT: Yes. [redacted] (b)(6) had brought me. [redacted] (b)(3) 50 USC 3024(i), (b)(6)
[redacted] (b)(6) came back and gave them to me because [redacted] (b)(1)1.4c, (b)(3) 50 USC [redacted] (b)(6) was going to stay there at the meeting, I had instructed him to stay there and to call me on the phone or call [redacted] (b)(6) on the phone when MULLAH SEDIQ arrives for this meeting. So [redacted] (b)(3) 50 USC 3024(i), (b)(6)
[redacted] (b)(1)1.4c, (b)(3) 50 USC 3024(i) I gave a brief to my commander, told him hey, these are the grids where these guys are at.

LA: Okay. You said [redacted] (b)(6) are friends?

WIT: Yes.

LA: But they're from different families?

WIT: Yes.

LA: And their [redacted] (b)(6) is from which family?

WIT: [redacted] (b)(6) is [redacted] I don't even know his last name.

LA: Is he related to REZA, though?

WIT: He has some kind of blood relationship to REZA.

LA: And [redacted] (b)(6) is more closer to [redacted] (b)(6) ?

WIT: [redacted] (b)(6) is [redacted] (b)(6) brother.

LA: Okay, and you had been told by others or these two, don't bring up that REZA and [redacted] (b)(6) [redacted]

WIT: Right, because [redacted] (b)(3) 50 USC 3024(i), (b)(6) TIMOR which is [redacted] (b)(6) of [redacted] (b)(6)
TIMOR 's a relative of [redacted] (b)(6) TIMOR and REZA are brothers. And I was told not to bring that up because these guys are best friends, [redacted] (b)(6) are best friends, even though [redacted] (b)(6)
brother killed a family member of [redacted] (b)(6)

LA: Okay. Interesting. And what do you think of the possibility that [redacted] (b)(6) with the subsource, were trying to set up REZA on this operation versus really trying to get MULLAH SEDIQ?

WIT: I've thought about that before, but these guys, they give me pretty reliable information on who, what, when and where. On the stuff that goes on in the ZERKO valley, so they give me pretty good information. So I believe that MULLAH SEDIQ was going to be there at this meeting.

LA: Okay. So they talked about the fact that there was a meeting, there's a [REDACTED] I would -P call it a party exactly, but a get together to celebration TIMOR SHAH and the sub-context for meeting was to have the Taliban Shura [REDACTED]

WIT: Meeting as well. Yeah. Because prior to this I had several meetings with [REDACTED] (b)(6) and [REDACTED] (b)(6) and they mentioned that REZA was going to help MULLAH SEDIQ get into a government office up in Herat, a piece office, and he was going to pretty much once he got into that office he would be out of view of the coalition forces they would be like oh, he belongs to the government, he's not going to be bad now, but he was still going to conduct his regular Taliban operations from within the government office but out of view of the coalition forces now.

LA: When you guys got out of the vehicles, I think you had said that you had the two sources with you, [REDACTED] (b)(6)

WIT: Right.

LA: Both dressed in fatigues?

WIT: They had BDUs with the scarf around their heads.

LA: Okay. And were either of them carrying weapons?

WIT: No.

LA: And did you have positive control over both of them the entire time?

WIT: Yes, I had positive control. [REDACTED] (b)(6) he was in the truck with me and [REDACTED] (b)(6) he went dismounted with [REDACTED] (b)(3)130b, (b)(6)

LA: Okay. And [REDACTED] (b)(3)130b, (b)(6) had positive control of them the whole time?

WIT: Yes.

LA: And again, you didn't [REDACTED] when you were sitting in the truck and the SSE was going conducted did you hear any errant shots or random shots?

WIT: Once the ground force left Building number 26, and I believe it was [REDACTED] (b)(6) and they started doing the SSE of all the compounds, at that time I didn't hear any more shooting and if there was any shooting it was probably just warning shots telling people to get down or something like that.

LA: Okay. When you were sitting here waiting to go behind building 26 and you said how long did the CAS last.

WIT: The CAS lasted almost four hours, I believe it was four hours.

LA: So a very long time. And someone had reported that your team was ready to strike several times.

WIT: Yes.

LA: You didn't attempt to strike, you were told to wait.

WIT: I was on a vehicle, so I could only hear the conversations between like hey, we're getting ready to move and start assaulted to building one and they'd get ready to move and then the [REDACTED] would call back and they'd be like hey wait, C 130 is about to shoot again, and then C 130 would shoot.

LA: So you guys never took fire behind this building?

WIT: No, my vehicle behind 26, no.

LA: And you guys never made an attempt to move forward?

WIT: No.

LA: It was all basically (b)(3) 50 that was doing the fight?

WIT: Pretty much.

LA: Over the air, what did you hear [REDACTED] did you see any tracer rounds going over building 26?

WIT: Once I was in my blocking position, I didn't see any tracer rounds anymore, I would just hear sporadic fire here and there.

LA: Sporadic fire coming from different places?

WIT: Yeah, but I can't tell you from where exactly because I couldn't see.

LA: And once [REDACTED] over the radio, could you tell what they were basing their fires on? Where there was return fire they were seeing or mostly movement?

WIT: I can't remember the conversations, I would hear like hey, we're taking sporadic fire from Building 1 or something and then the C 130 would call back and say hey, we got movement and he would tell the (b)(1) 1.4 to tell the ground troops not to move because they were about to [REDACTED] so they were out of the minimal safe distance for the rounds [REDACTED] so hey, don't move, we're about to shoot some rounds.

LA: Okay. With regard to the (b)(3) 50 US how was he identified as being killed on site?

WIT: Yes.

LA: And did you guys take him back or did you leave him basically ■

WIT: No, we left him there, (b)(6) is the one that saw his body and said hey this was my friend that was the (b)(6) that came in and he had the, what judiciary affirmative response from all members, (b)(3)130b, (b)(6) told me was that when he was found he had his chest rigged as if he was fighting as well, so he took one for the team.

LA: Is he one of the identified, in the SSE, is he one of the guys pictured with the chest rig?

WIT: I didn't see him, like I said I didn't see all the pictures, but I'm pretty sure that they took a picture of him with the chest rig. He was probably one of the guys that was with chest rigs.

LA: Okay. Do you remember anything else we discussed previously that ■

WIT: I think they asked me if I believe that these guys were trying to make up stories about SUDEKE so that we could go in after REZA, and I mentioned that after the, after the Azizabad thing a couple days later there were other reports from other sources saying that REZA was there and that he managed to escape from ■

LA: MULLAH SEDIQ.

WIT: Yeah MULLAH SEDIQ from (b)(1)1.4c, (b)(3) 50 USC 3024(i)

LA: So he got away unfortunately.

I think that's it. Again, I appreciate your time.

WIT: No problem, sir.

Encl 12

VERBATIM STATEMENT

OF

(b)(3)130b, (b)(6)

on

22 Sep 08

PERSONS PRESENT:

Brig Gen Mike Callan, Investigating Officer (IO)

(b)(3)130b, (b)(6) Deputy Investigating Officer (DIO)

(b)(3)130b, (b)(6) Legal Advisor (LA)

(b)(3)130b, (b)(6) Witness (WIT)

The witness was sworn.

LA: Please state for the record your full name.

WIT: (b)(3)130b, (b)(6)

LA: Unit assignment?

WIT: Second MSOP, (b)(6)

LA: Duty location?

WIT: Right here? Fire base Thomas, Herat province.

LA: What's your job?

WIT: I'm an element leader with team three.

LA: Sir, your witness.

[The investigating officer explained the circumstances surrounding the investigation.]

IO: So if you would with that as a basis, can you kind of give us an over view from your perspective, for active to ten minutes to the degree that you feel comfortable in, about exactly where you were on the permission planning what happened on the objective, any post clearing or SSE activity you conducted that took place, there, kind of give us what you did, what you saw, what you prepared for on the objective.

WIT: All right, sir. As far as the permission planning, I wasn't extremely involved in that process. I received most of the information, the information that I received said we were going

after Mula Sediq, there was a Shura in southern Azizabad and that he'd be staying there for the evening. We prepared two IOVs, two vans that we were going to take out. Most of the evening I was preparing those vehicles and from there I was in the lead vehicle after we received information that he was still on the objective which was building one and the GRG. I don't know if you gentlemen have that with you.

IO: We do.

WIT: But it was building one was the main objective that he was going to be staying in for the evening. We also received intelligence that as we approached there we would probably receive some small-arms fire warning shots and once we moved up to the objective if we tried to actually infiltrate the area we would continue to receive small-arms fire. (b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)
(b)(1)1.4c, (b)(3) 50 USC 3024(i) Once we actually pulled into the area around, it's been a while so I'll look at this. Once we got around Building 42 I believe, we started receiving we received one or two warning shots, we continued to move up to right around building 48 is where we dismounted. I was the point man in the order of movement, actually getting out of the vehicle, moving towards the main objective and there I noticed two -- I got to around the edge of Building 49, I noticed two individuals on the roof shooting at us from that area as well. I also heard a few shots coming from the north side around Buildings 48 and 50. And it was at that time that (b)(3)130b, (b)(6) was shot. And we were continuing to take a lot of small-arms fire from Building 1. We attempted to suppress that, but from what we knew I assumed that we were taking shots from the south and the north as well from what it sounded like, but I was focused mainly on the main objective. After he was shot, most of -- he was in the same vehicle I was, but he was trying to actually move out to actually pull up the rear of the element pushing into the objective. As we continued to try to move forward, there was a vehicle, a large truck that was actually blocking the road way that we were actually going to go down to to assault the main objective. Seeing that and seeing the continued fire that we were taking from it felt like all the north and from the main objective to the north east, we decided to move back to building 26 to reconsolidate. Before we did that, though, we moved into building 49, we moved into that building to actually take cover while they were able to suppress building one with the (b)(1)1.4a They suppressed it briefly, we were still taking small-arms fire. We reconsolidated, we --

IO: From where? From Building 1 still?

WIT: We were still taking fire from Building 1. We were also taking fire, I believe from Building 47 and around 51 and 50. I couldn't tell where exactly all the shots -- obviously it was dark, but we were taking a lot of fire from the north side and I had heard we were taking fire as well from the south side from Buildings 25 and 23, but I can't confirm that, I wasn't down there. After we cleared 49, Building 49, which we knew was the mosque that we went in, it was empty, there's known in that building it was very hardened structure, we moved back to Building 26, we cleared that objective, we took up positions on the roof, and the FAC and (b)(3)130b, (b)(6) and I believe one or two other people up there, I couldn't tell you who up there, they were acting as an observation post for that and calling in fire, but basically we mounted up that objective, cleared 26, reconsolidated waiting for the rest of GMVs to come in to consolidate the area. They could move their assault forces in with us in Building 26.

Once we did that, we waited to re-assault, but we continued taking fire from Building 43, 44, 47, and the main objective, Building 1. As I also know, they cordoned off the area down here to the southern side and they had I believe one of the GMVs had taken a shot on the wind shield from there as well. So as far as I knew the entire area around we were taking fire from. We tried moving out multiple occasions. I was basically re-tasking the entire assault element with the commandos and the Marines and the Special Forces to actually move up and clear the main objective building, Building 1 and on multiple occasions as we continued to actually push out we were going reengaged. Not just from Building 1, but from Buildings around 43 and 44 and 47. And what I also heard is we were taking fire from around 35 and 36. I was on the first floor right by this door on 26 that was going out from the courtyard looking out. I continued to hear small-arms fire impacting around us throughout the evening and it lasted may be about two hours as the (b)(1)1.4a continued to reengage. I would say at least five times we got the call, hey, we're going to push out, we're going to go clear the main objective, but each time we were called back and told to stand down because individuals were maneuvering and continued to engage us. And it was after about two hours that we were finally able, it was just before day break we were able to move out and conduct the clears. Myself and other Marine came out and if first building I cleared was building 50. The two of us cleared that building with some commandos while the rest of the element moved around, they started out with Building 2, they cleared Building 2 into Building 1 and into Building 3. Building 1 was a two-story structure and Building 2 and one was almost the same compound. There was a wall that connected the two, there was some rubble. We found two individuals on the roof of Building 1, one of them had a chest rig on, both of them had weapons by their side. One of them had frag in his AC and in the mag and everything else that was on his person. There were two individuals that were also laying on the ground floor -- it's Building 1 and 2, but it was right along that wall right there. Two individuals were also laying there with AKs. We moved around and I believe it was Building 4 we also found -- after we cleared building one we moved to Building 3, cleared Building 4 and Building 4 I believe we found three other military age males also all of them had AKs very close to them. Throughout the clear I believe it was Building 4 as well there was one woman KIA, and in the back they found, the same Marine that cleared Building 50 with me also helped clear back there in the far north east corner found a small child in the rubble that was still alive at the time. They attempted to extract that child and render first aid, but it died on the scene. We moved from Building 4 then and we cleared 54, 55, 56, 52, 53, 51 all the way back down and those buildings were all intact, the damage that I could see. All the individuals were in the court yard, everyone appeared to be fine. I noticed there were no casualties in any of those buildings at all.

IO: Let me hold you up right there. Between Building 4 and 6, we were there, there was an unnumbered building, long building right here.

WIT: Correct. That's exactly where we found the casualties, sir.

IO: Okay. That's it, then.

WIT: It's not actually, it's not numbered here, but that was, to get into Building 4 you had to hop a wall right here, but all of this was -- there was may be like three or four little mud hut rooms and all of those rooms, it was the far last room that contained the child and the middle two, I

couldn't tell you I want to say the first one had an individual and the middle one had the woman is and the last one also had a male.

IO: Okay. And AKs?

WIT: All had AKs.

IO: Now down here I think it was in the vicinity of Building 50, there was one mud hut that was destroyed and walking around yesterday it was explained that there was an internal fighting position in there as it was described. It was a fighting position, AK left there, nobody on target it human being obviously destroyed, hit by (b)(3) 50 US is that what you saw was it Building 50?

WIT: The first building I cleared, sir, Building 50 right here was the very first one I cleared after moving out from Building 26.

IO: Was it damaged?

WIT: No, sir, actually Building 50 kind of wrapped around a little bit, in other words a few or mud huts that are not in this (b)(3) 50 US. And two rooms on that side, I believe one room on that side and two rooms were the actual 50 is here and there's -- didn't see any damage at all. From what I understand from getting debriefed is a lot of this has they've torn down walls and everything else since then. But when we went through there we were actually able to get to the second story of Building 1 and everything else and that's where two individuals were found up there as well as below. So we cleared those like I said, 55, 56, 52, 53, and 51, no damage. And everyone appeared to be fine. The grass wasn't even broken in the windows or anything. And from there I moved back into Building 1 to help out with the SSE. We also found around that time I believe a woman and child were found. I didn't actual see them being extracted or anything else, but I helped actually move both of them to -- we moved them around down the alley way past that truck that was sitting right there and we pulled one of the IOVs one of the vans up there and we loaded the woman and the child into the van and we pulled them back out. And over here to the south side of the town we actually set up the consolidation point for all the individuals that were found on the objective area and all the ones that were just in and around the area, had them move over to this consolidation point. But throughout the entire clear, most of the, there's a record of trial of rubble we attempted to move as much of it as we could to actually see what we could see, and like I said we found one woman and one child and we found one child that tied on the scene in the back of the building four area.

IO: How many enemy fighters total?

WIT: The enemy fighters that I actually physically saw, I would, 8.

IO: 8. Mula Sediq?

WIT: I couldn't tell you, sir. The one guy that was identified was -- there was a child I talked to it was about may be 14, 15 he came out with us to help identify the bodies and he pointed to one

individual and said he was REZA KAHN. And we rent vehicles, we had rented two vehicles from here and I had actually met REZA KAHN about two days before, except he call himself –

LA: (b)(6)

WIT: Well, that was the name that everybody went by, sir but we introduced himself to me as REZA, but talking to another one of the Armor Group individuals that has usually dealings with him referred to him as Muhammad KAHN -- I'm sorry, MUHAMMAD REZA. So, it was the first time we had heard his name mentioned as REEZA KAHN, which is apparently what everyone else around here knows him as. REZA KAHN.

IO: This is the Building 4, Building 6 this is that long building where you found.

WIT: Correct. And far back corner where the arrow is where the child was. Right around here there was one military age male with an AK. The center here had, you could see there was a woman, right around here there was another male. Those were the only ones that I saw.

IO: With an A K?

WIT: Two had AKs. Those two had AKs, sir, the initial piece when you were in Building 26, what level were you on.

WIT: I had gone up to the second level to actually talk to the element command leader to (b)(3)130b, (b)(6) basically. I went up there to talk to (b)(3)130b, (b)(6) to actually ascertain what we were doing and how he wanted to push out and proceed from there because we did pretty much -- our initial plan was to actually move up we were going to try to drive as far forward as we can, we're hesitate about driving past Building 49 because we would be -- if we were to take fire from any of these buildings we wouldn't have any place to go. We actually stopped back here and our original plan was just to push straight up to Building 1, but as soon as we started taking fire, one individual was shot, we decided to reconsolidate, but our initial we had to push into 49, but –

LA: That was the (b)(3)130b, (b)(6) that was shot in the foot.

WIT: Yes. (b)(3)130b, (b)(6)

LA: When you went back to 26, how long were you in 26?

WIT: I would estimate about two hours, sir.

LA: Two hours. So you guys were consolidated in the building?

WIT: There are a couple of occasions that we dropped 1500-pound bomb on Building 1, at that we all moved inside the building at that point. The rest of the time, there's a small porch out here, most of the individuals when you saw them were consolidated on that porch and we had the

commandos line up along the wall ready to move. There's a gate, like a door way right behind there.

LA: So after you consolidated in 26 and you moved out and you brought the commandos, everybody was positioned, did you then again move forward at any time or did you basically stay there and wait for the go ahead?

WIT: There was a number of times we were -- it was hey, you guys are going to go out right now like after it was a lull in the fire you guys are going to go out and every single that we were getting ready to push out we continued to receive more fire.

LA: So you personally were receiving fire?

WIT: The building that we were in was receiving fire. The vehicles around it were receiving fire.

LA: So you would hear the points against the vehicle?

WIT: Yes, sir.

LA: Okay. And how long were you on the roof top with --

WIT: I went up there I'd say two or three times only for a couple minutes.

LA: Just to see what was going on and move back down?

WIT: Yes, sir.

LA: So you weren't up there for very long.

WIT: No, sir. I was trying to stay off the radio as much as possible so I just went up stairs to actual physically talk to the leaders.

LA: At that point in the times when you went up was (b)(3)130b, (b)(6) and the (b)(1)1.4a staying organizing calling in fire?

WIT: Everybody was in the prone up there. They're curved shaped roofs basically and you can maintain some sort of cover behind there but everyone was in the prone up there on the roof, sir.

LA: When you were searching the buildings, because you covered quite a few. How much had rubble let's say up to the knees, how many up to the chest, how many not at all?

WIT: The best significant damage was in Building 2 and 1, sir. Building 2, 3 Building 1 it was almost like it was one compound because the walls were kind of blown out. I would say those two buildings had rubble, knee level rubble throughout. Not just in one place, pretty much

where the walls fell down. But the rest, I'd say Building 3 there was a little bit of damage and around Building 4 with the new one, (b)(3) 50 shows there.

LA: The unnumbered building?

WIT: Correct, yes, sir.

IO: Do you remember seeing any cooking pots in building two and three, anything like that?

WIT: No, not in two and one, sir.

LA: Did you –

IO: Let me finish. Would you have noticed those or is that something that you just –

WIT: No, I would have noticed that, sir. We actually were planning on leaving the objective much earlier, we didn't want to say out past day break but we didn't get a chance to initially start our clearing until day break. But because building one contained so much SSE we strayed there for at least an extra hour longer than we wanted to and we didn't notice any cooking pots, sir.

IO: And tell us what the you know, what's imperative about getting off the objective before day light. What were you concerned about what was the tactical consideration for that?

WIT: As far as tactically, as far as moving during the day light, spending that much time in the objective it gave everyone else in the area to actually set up IEDs mines anything like that that we were actually going out.

DIO: And your egress was probably restricted and well known.

WIT: If we were going to, if vehicles that we were taking back, because we had commando HUMVEEs and commando 7-tons as well, to take them back, we would have had to go either completely around to the east side of the objective and come back down, but our main egress route was going to be right up Highway 1 like you gentlemen went yesterday and you know, to go back that way after spending so much time in the objective gave everyone else plenty of time to set up an IED.

IO: Did you also go into this little compound. That's where the pots were supposed to have been, did you see any there?

WIT: No, sir.

IO: Okay.

WIT: And this area of buildings –

IO: Just across above 50, sir. It's across from two. It's where the bricks were laid out.

WIT: And 51 and 52, I believe it was -- I want to say it was 51, in the courtyard there were three vehicles, there was a Blue Surf, an ANA -- I'm sorry an ANP pick up and it was like a white hatchback and those three vehicles were in there as well. And they were all fine.

DIO: Any of these from the SSE, REEZA KAHN? That the kid pointed them out to you?

WIT: Top left.

DIO: That's REEZA KAHN?

WIT: As far as I can tell, sir.

DIO: Kind of a middle age guy. Not a --

WIT: Like I said I had actually met him two days before.

DIO: You had?

WIT: Yes, sir.

DIO: Okay. That's (b)(6)

WIT: Yes, sir.

IO: During I would call it mission planning. Tell me what the intel community told you.

WIT: When I was briefed, sir, I was told that there was a Taliban Shura happening in southern Azizabad that one of the main targets was Mula Sediq that he was going to be there and it was I believe we were going to go and then we were not going to go, (b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i) I couldn't tell you if we had, (b)(3) 50 USC 3024(i) or not, but (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i) But as far as the intel, it was Mula Sediq and then we found out that he was actually going to be staying the evening. And they got a few phone calls from (b)(1)1.4c, (b)(3) 50 USC 3024(i) that was in town that he was staying the night and that they were going to continue the meeting in the morning and that there was supposed to be 25, 30 Taliban within the area.

IO: Were you given a photo of what he looked like, Mula Sediq?

WIT: I believe I have a picture of him, sir.

IO: And as far as you know, no one PIded him during the OP?

WIT: I did not, sir. I heard after the fact, sir, that he was engaged and killed, but no, sir. I did not physically see REEZA KAHN ■ I'm sorry Mula Sediq I couldn't tell you what he looked like.

IO: And again, so I'm clear on the last piece. Are you saying that someone did PID at the end?

WIT: No, no. It was heard afterwards about a week afterwards that he was killed. But I couldn't tell you if he was or if he wasn't, sir, I only saw those fighters that were killed and I previously said that I physically saw dead. And REEZA KAHN was one of the individuals that was IDed but it was supposedly his house.

IO: So three your clearing and SSE known as far as you know PIDed Sediq.

WIT: No, sir.

IO: Okay. To the best of your knowledge is Sediq still on the list?

WIT: Not as far as I know, I couldn't tell you. I'm not filled in on that area.

DIO: When you were doing your SSE there's been suggestions that hands may have been sticking out or some or dead people obviously that you guyed went up and felt for a pulse and then moves on. Was that basically the case when you were trying to go through the wreckage?

WIT: Like I said, sir, the individual when I said I saw those number of individuals dead, I did not see any extra bodies. Those are the only bodies that I saw. Like I said the woman that I was able to ID as a woman, which only -- I mean her head was covered with a rock but it was initially you could tell that was a woman because she had breasts and that was it. Because as we were moving through, anything that we could see, we tried moving rubble to see if it was actually a fighter or if it was anybody else. And those were the only individuals we saw. We heard some kind of noise coming from the back of -- it was building.

LA: The unnumbered building.

WIT: Yes, sir, above north of Building 4 and that -- we didn't actually physically see anything and we started moving rocks and rubble and that's how we were able to ID a child.

IO: And you're saying that child was pulled and then?

WIT: They uncovered -- I did not physically see him it, sir, one of my Marines went back there and with two commandos helped uncover the child and died right after they started rendering aid.

IO: To the best of your knowledge, and you probably already have answered this. The total civilians you saw deceased from the buildings you put in the SSE was?

WIT: Two. That one woman, and that one child.

IO: And then you said 8 enemy combatants, your total?

WIT: Yes.

IO: Can you give us some sense for -- and again, you've been doing this to include now on the SOF role for quite some time. Can you tell us how you felt basically pinned down in 26 for almost two hours? That normally doesn't happen.

WIT: No, sir, the start of it was uncomfortable. Taking fire from every direction, having my team (b)(6) shot, and then having to pull back and consolidate. If we had tried to maneuver any other way, like I said I was the point man moving up and moving my element with everyone else. And if we tried to move up, I feel like we would have gotten somebody killed with as much fire as accurate and sustained as it was I believe we probably would have lost somebody for sure.

DIO: You're an 0369, right?

WIT: 0320, sir.

DIO: Okay. What units were you in before?

WIT: Second recon battalion, two deployments, sir. Second force recon as well. I did two deployments with them, three deployments.

DIO: Were you down in Fallujah area?

WIT: Last deployment it was at FOB KAWSUE, operate with HILLAU swat team the entire time, before that, in OIF one, we were task force Tarawa moved up through Nazaria, and HILLAU -- I'm sorry, AL-CUD.

DIO: Okay. And that was second recon?

WIT: That was second force recon, sir.

IO: From again, during that two-hour block, I want to make sure I'm clear. Were you seeing enemy fire, or hearing it or both?

WIT: I was hearing it, sir. And I was also being informed that we were continuing to take. And I couldn't tell from every direction, but you could actually when I was moving around Building 49, sir, it was impacting around me and I could hear it zinging past and all that. And then my team (b)(6) was shot and we continued to move back and we had to actually take Building 49 to seek cover. Otherwise there was no cover out there and from what I understood, I was engaging Building one and I was engaging the fighters on the roof of Building 1, but we were also taking fire from the north east -- north west side as well. And as we cleared Building 26 I understand that we were also taking fire from Buildings 23, and 25 and throughout the evening I -- like I said I wasn't privy to all the information of what was happening with the (b)(3) 50 and 3024(i) everyone else but I was gathering that enemy fighters were maneuvering throughout the village and our main -- we knew that they had to the north side of the objective just past Building 76, and 57 they had wells that they could actually escape through, almost like a little tunnel system and that was our line of fire, basically. Making sure that they weren't moving past to the north.

But they were maneuvering within the southern area right here from what I understood and continued to fire on us.

IO: As far as you know, you commented earlier that the 500-pound bomb went where?

WIT: Building 1, sir.

IO: Building 1.

WIT: That's what I know, sir. It may have gone, I know Buildings 35, 36, 37, that area we were also taking heavy fire from, and they were also maneuvering down in that area.

It might have been like I said it wasn't watching all that we moved inside the actually building when the bomb was dropped. The we were engaged in this area, the main objective, Building 1, Building 35, 36, 37 area and Buildings 4, 6 and 7 as well.

IO: Okay. Back on what intel told you prior to stepping, if you will, did anybody mention anything about a celebration or ceremony being held?

WIT: No, sir. Taliban Shura is what we were told, sir. With 25 to 30 Taliban.

DIO: Were you surprised at how, the amount of fire that came out of this? Let me back up.

When your doing an HVI, you established PID that he's on the target and also there's a (b)(1)1.4c, (b)(3) 50 USC 3024(i) that goes into it, what did you know about the (b)(1)1.4c, (b)(3) 50 USC 3024(i) what were you expecting on the target in terms of noncombatants?

WIT: From previous objective experiences on HVIs I've seen, as a matter of fact just down south I've seen men, the H V Is actually dressing as woman, being concealed by the woman and everything else. And each objective is different, sir. But I would say from this objective we did not expect to see this much enemy fire. I have not received in country that much enemy fire on objective. On any HVI that we've moved on. Every other one they've pretty much there's been a little bit of shooting when we cleared the ZiERKO the first time, we received quite a bit of sustained fire, very accurate fire as well, but after a few hours it wasn't like this. So this was probably the most accurate, the most sustained and the most prolonged fire we've received on any objective.

IO: And your reason that you saw that this time? What's your thoughts?

WIT: If I'm basing it off of intel, 25 to 30 Taliban fighters and Taliban Shura happening right there. I would venture to say an H V I is on the objective and he's got a number of body guards that you know, were engaging us.

IO: During the SSE and/or the clearing, did you see any, if you know, any allegations with regard to Armor Group uniforms, IDs, weapons that were not necessarily Taliban issue if will but might have been something from the local airport, any indications to you that they weren't -- I mean enemy combatants I'm sure were firing if one of ours versus one of theirs?

WIT: As far as the information that I have from Armor Group and talking to them as well, sir, the ID cards the paperwork, the weapons everything they have is in the allowed to leave this area. So anything that they would have would have been acquired through a different means. They're not allowed to have any of that stuff. The individuals that had ID cards out there, they were old ID cards, they may have smuggled off, but everything they had out there from talking to Armor Group, they were not allowed to have. We give our guards we give your laborers that work on this Fire Base, but they're not allowed to take them off. Now if they were able to slip one off and they had one in their house and I went to their house and they had it there they could say they had previously worked there and may be they had and maybe they had acquired from some other means but everything that I know about that, they are not allowed to have any of that stuff in the residences.

IO: Do you guys take the ID cards with you?

WIT: Yes, sir.

DIO: You still have them?

WIT: I don't physically have those, sir. They were all brought back with the (b)(1)1.4c, (b)(3) 50 USC 3024(i) (b)(1)1.4c, (b)(3) 50 USC 3024(i)

DIO: (b)(1)1.4c, (b)(3) 50 USC 3024(i) ?

WIT: Yes, sir.

IO: This might be applicable for some of the officers but are you aware of and to what degree your discussions and permission planning and/or during the operation with the commandos?

WIT: I had previously, I worked with First Company with the commandos, and I believe it was Second Company that went on this mission, so I did not have a lot to do with the commandos on this one, sir. As far as advising them and having them push out.

IO: I think last for me is that did you know some of the alleges are pretty wide delta concerning civilian casualties that (b)(3)130b, (b)(6) investigation found versus exactly what the new information we are to consider. From what you saw during the clearing involving the rubble as well as the SSE portion, any way you can get up to 50 or 60 deceased that you didn't identify during those operations?

WIT: No, sir. Like I said, I saw, the individuals that I physically saw, half of some of them were still in the rubble we did move a lot of the rubble but we didn't have time to actually sit around and move all the rubble to find out how many people were actually under there, but from previous experience, an individual is moving, I would say that as far as woman and children, no, sir. I wouldn't even come close to that number.

IO: What number would you come close to?

WIT: I physically saw 8 individuals, sir. And I would say possibly may be four or five extra underneath the rubble. I could not tell you as far as the surrounding area I'm not one to actually go out and guess, sir. I'm not going to guess 25, 30, 10. I physically saw 8, sir.

IO: And again from your experiences both in Iraq and now as well as here, the culture norm is for woman and children to be if you will massed in certain buildings is it inconceivable with regard to the gunship being for a two hour period that collapsed buildings could have found civilians?

WIT: The information that I have, sir, and the information that I've seen on the news from all of us this is when I went through and I cleared, I cleared Buildings 1 and 2. Buildings 54, 55, 53, 51, 52 and 50 were just on the other side where the majority of the damage that I walked through and cleared. Buildings 1 and 2 sustained significant damage. Those buildings were pretty much destroyed except Building 1 was a 2 story building, you could still get to the second floor, you could still walk through the rooms there was some rubble inside. Each and every one of those Buildings, 54, 53, 51, 52, 50, no damage, sir. And that's why I'm saying I don't see it conceivable to say that there's 50, 60 individual dead when the accurate fire that was engaged on the main target buildings that we were taking fire from was where all the damage was. These other buildings had no damage, individuals were out in the courtyards waiting for us to come through and they were not in their houses or anything else. We cleared their houses, pictures were still on the walls some of the people were even making bread. There was no damage whatsoever to any of these buildings. That's why I find it hard to believe, sir, that the numbers are that exaggerated. I'm not going to guess at any more than what I physically saw, sir. But it's possible there are more in the rubble. We found that one child in the back and it's possible there might have been two or three more but in the collapsed structures with the rubble that I saw, I can't even surmise to say there's more than may be an additional four or five individuals. It's possible there's a lot more, but I don't see them massed into small buildings that were actually physically collapsed in that area.

IO: Okay, (b)(3)130b, (b)(3) ask him about the cooking utensils.

DIO: We did, sir. Early on.

IO: Okay. I'm good.

DIO: I'm good.

[The investigating officer informed the witness of the investigation deadline, thanked the witness for his service, and informed him that the interview was to be considered confidential.]

Encl 13

VERBATIM STATEMENT

OF

(b)(6)

on

22 Sep 08

PERSONS PRESENT:

Brig Gen Mike Callan, Investigating Officer (IO)

(b)(3)130b, (b)(6) Deputy Investigating Officer (DIO)

(b)(3)130b, (b)(6) Legal Advisor (LA)

(b)(6) Witness (WIT)

IO: So the background is, about two weeks ago I get a phone call, I live in Germany. I get a phone call from the acting Central Command commander in Tampa, Florida, who directed me to be the investigating officer for an incident that occurred on the 21st and 22nd of August, near Azizabad. Both (b)(3)130b, (b)(6) have been assigned to assist me in the investigation. And our task is to consider "new evidence" that has come to light after the military, namely, the special operations guys, back in Bagram had completed the investigation. And it was completed on the 29th of August. So our specific task was to come over to Afghanistan and basically look at new information that has surfaced and see if in fact any of the findings and/or recommendations from that original investigation is to change.

So to that end, can you, for the record, give us your name again, and your position, your employer, and basically what your function is here?

WIT: Yes. My name is (b)(6). I'm the (b)(6). Armor Group is a commercial security company, and we provide protective security for various organizations throughout Afghanistan. Currently here we provide the service to ECC, Environmental Chemical Corporation Company. They're involved in the reconstruction of the airfield here at Shindad. Our role basically is to provide static and mobile protection to our clients. And we do that by employing ex-pats, Gurkhas, and a mix of local nationals.

IO: Can you briefly tell us what ECCI is doing here?

WIT: They're in the process of building an ANA camp. The contract has changed over time. Originally it was supposed to be for the Afghan Air Corps. And they were going to do a total refurbishment of the airfield and base. I understand that due to budget constraints, it's now just turned into an ANA camp, which they have had to build basically from scratch.

IO: Sir, again, there was an incident involving coalition forces in Azizabad, on the 21st and 22nd of August. Are you familiar with any of that? And to the degree, what do you know about it? What have you read? What have you seen?

WIT: Yes, I am familiar. I actually wasn't here at the time. I was working up in Konduz. However, (b)(6) always keeps me informed, because I was coming in to replace him about a week after the event. The morning of the 22nd is when I first got notice of what had gone down. He sent out an initial incident report of what basically he had been told by the team members, the American team members here. It just gave a very brief outlay of that Azizabad Village which had been hit by a coalition air strike because of an attack that happened there. And it affected us, because we employed quite a large number of guards from that area. In fact, about 43 of them left that day to return to Azizabad to find out what was going on. So since basically the 22nd, (b)(6) was keeping me regularly updated as to what was going on.

IO: And, (b)(6) how many employees were affected by the air strike?

WIT: It would have been 45 in total. Most of it was, I have to say that what we received was sort of like secondhand, from what these guards were telephoning to their own interpreters, and the interpreters to us. But they were all saying that they had lost family members, et cetera. But we lost one guard, who was killed in the attack, and one was wounded.

IO: Males?

WIT: Yes, both males.

IO: And so I'm clear, directly from the air strike, you lost one employee, one was injured, and then 43 others had family members affected? Is that correct?

WIT: Yes.

IO: So, as far as you know, were they, my word, moonlighting, for any other people you're aware of, when they were done working for you?

WIT: I honestly can't say. We have had occasions where that was happening in the past, where guards that we were employing as security guards, were moonlighting as basically body guards for Reza Khan, who was one of our fixers. When we found that out, those guards were immediately dismissed.

IO: How long ago was that, (b)(6) ?

WIT: Oh, six to seven months ago. And, to date, as far as I'm aware, nobody else has sort of double-ditched on the work front

IO: So as of the 21st and 22nd, as far as you're aware, there were none of your employees moonlighting as any other -- providing security for any other personalities?

WIT: No.

IO: So I'm clear then, the individual that you lost, and the individual that was wounded, they were obviously employees of yours, but lived in Azizabad?

WIT: Yes, that's right.

IO: (b)(3)130b, (b)(6)

LA: While it's unlikely, is it possible that those gentlemen, the one that was killed, and the one that was wounded, and possibly others, may have been moonlighting?

WIT: Yes, it is a possibility. I certainly can't deny that. Yes.

LA: With regard to ■ there's allegations that many of the weapons that the guys here found were registered to your company.

WIT: I've heard that as well. But right from the very beginning of this project, all of our weapons remained on the base. They're either on duty pickets, or they're kept in our armory, which is the watch tower on the airfield. No weapons are ever allowed off base at any time. All our weapons are registered with the Ministry of the Interior. Basically we do a weekly butt count of our weapons, and once a month we do a serial number check. So, no, categorically, none of those weapons were Armor Group weapons.

LA: Have you found some weapons to be missing?

WIT: No. (b)(6) conducted a check immediately after; just to make sure that that was the case. We can account for every one of our weapons.

LA: Did the Minister of the Interior make any allegations, or want to come and look at your weapons?

WIT: No. We've heard nothing.

LA: You've heard nothing from the Minister of the Interior?

WIT: No.

IO: Any other investigations, by non-governmental organizations?

WIT: No. Not as far as I'm aware. Not towards Armor Group, anyway.

IO: So we've been the only one that's approached you directly?

WIT: Yes.

DIO: (b)(6) what's your procedure for weapons control? How does that work?

WIT: Basically, the weapons that are out on the picket duty stations, they are handed over from shift to shift. Our guys work 12-hour shifts. So basically the day shift hands over their weapons to the night shift. Each one of those duty stations has a Gurkha supervisor in command of it. And basically they control the process, I mean, it's quite anal, to be honest, because we get them to count the bullets in the magazines, you know, the whole works.

DIO: The next question was on bullets. Now, what weapons are on post? Any RPKs?

WIT: RPKs? No. We have BKE'd

DIO: Just AKs?

WIT: We have BKE's we call them BKEs, the belt-fed machine guns. We have belt-fed machine guns. They're on improvised gun trucks and also at the entry to the airfield,

DIO: That's a belt-fed weapon?

WIT: Yes.

DIO: The RPK is just a beefed-up version of an AK.

WIT: No, we don't use those. Just AK-47s and BKEs.

DIO: Any RPGs?

WIT: No.

DIO: What about -- do you supervise any of the de-mining operations around the airfield?

WIT: No. De-mining is our second division, which are also based here. They've got de-mining contracts for the United Nations. But basically they're a separate entity, if you will.

DIO: Can you put us in contact with somebody from there?

WIT: Oh, yeah. Their senior guy, he's a Bosnia. Definitely, yeah.

DIO: Great. Because that's one of the things that we want to check on.

LA: What's his name?

WIT: (b)(6)

IO: (b)(6) as far as you're aware, what's the purpose of -- other than obviously, I assume, taking out Russian mines from way back when, and what do they do with them, and where do they keep them? Do you know any of that?

WIT: They -- it depends. If they're non-removable, they blow it in place. They've got quite a wide spread of projects from all around the district area here, quite a large acreage that they're currently clearing. If it is removable, what they do is they bring it down to the airfield. They've got a sectioned-off area there in the northeast corner, which is the disposal area, and they dispose of it.

IO: (b)(6) how many employees does your company employ here?

WIT: We currently have 61 local nationals. But those 61 guys have all been borrowed from outside since the incident occurred. The local guys that we did employ, we did have 45 of them, were all released after the incident occurred.

IO: Why?

WIT: Basically, (b)(6) made the decision that he felt that having armed personnel from the local village that had been affected, that he basically couldn't trust them not to do something, whether it was against us, or the coalition military when they're passing through. So basically that's why he made that decision.

IO: So out of the 45 individuals who were living in Azizabad, working for you, after the air strike.

WIT: Not all of them lived in Azizabad. Some of them did, and some lived in surrounding villages.

IO: But as a result of the incident on the 21st and the 22nd of August, (b)(6) decided to fire them because he didn't think he could trust them anymore?

WIT: Basically, yes. That's what it came down to.

DIO: Do you have the name of the KIA, the one security guard that was killed?

WIT: Yes. It's John Jacagha, J-A-E-A-G-H-A.

IO: And the one who was wounded?

WIT: (b)(6)

IO: What were his injuries?

WIT: It was very minor, from what I understand. He was treated up in Herat and up the next day

IO: So he would have had these injuries obviously on this night, so on the 22nd of August is when he would have been treated?

WIT: Yes, I believe so. With that guy, John Jaeagha, we've actually -- they're basically insured because they're our employees, but to date nobody has come forward. We've made inquiries through our interpreters, trying to find if he has family members or anything else, but nobody has come forward to claim him to this date.

LA: Can you locate him on this list if I gave it to you?

WIT: Yes.

LA: If you could take a look at it and tell us whether any of the other people are employees, or have been employees. We can also provide you with that list, if you want to check it against your records. Because supposedly, there were a lot of Armor Group badges that were destroyed after the event.

WIT: ID badges?

LA: Yes.

WIT: No, none of these names look familiar to me. I don't see John Jaeagha's name on it.

LA: And he was obviously living in Azizabad?

WIT: Yes.

IO: So it's curious we would get a list of 90 individuals, and yours isn't there.

WIT: Yeah. From what we heard, him and his entire family were killed. But, as I said, it's just what we've heard through our interpreters.

LA: Well, they have his family here. John Jaeagha, right?

WIT: Yeah.

LA: So that's one of his daughters, and another one of his daughters. And then you have some Jaeaghas in here.

WIT: The difficulty is a lot of these people have the same name. It's probably -- but he was the only John Jaeagha that we had on our payroll.

LA: Yeah, I see some Jaeaghas, but (b)(6) -- it seems like he had about five kids. Although this seems to indicate that the father's name was (b)(6), so it's very confusing. But you don't see his name on here?

WIT: No. I mean, if there were ID cards, I'd like to see them. It's not beyond possibility, because they do get issued an Armor Group identification card.

IO: What was your employee turn-over rate?

WIT: It actually wasn't too bad. Most of the guys tended to stay.

IO: A steady job.

WIT: Yeah.

IO: How much do you pay?

WIT: \$275.00 a month.

IO: U.S.?

WIT: Yes.

DIO: You paid them in U.S. currency?

WIT: Yes.

IO: And by the local Shindand standards, is that pretty good?

WIT: It's very good.

IO: It's very good?

WIT: Yeah, because they also get paid a daily food allowance. We employed a cook for them, so they got food. If they chose to they could live on base.

IO: Without their families?

WIT: Yes. Some chose to live on base because of what they perceived to be a different level of living from in the villages. And other guys, they just went to and from on a daily basis.

IO: (b)(6), your only employer here is ECCI?

WIT: Yes.

IO: And again, so I'm clear, your total employee base here is ?, total numbers?

WIT: Without Gurkhas?

IO: With everybody.

WIT: The total number would be 88.

IO: And one more time, how many of the 88 were local nationals? About half?

WIT: Of local nationals, it was 45.

LA: I'm sorry, who told you that John Jaeagha had died?

WIT: Previous guard members that lived in the area.

LA: Are any of those previous guard members in Azizabad?

WIT: Yes.

LA: So you have some that may still have ID cards that may have held onto them, or whatever?

WIT: They could. I'm not entirely sure whether (b)(6) withdrew them prior to them leaving.

DIO: Do you know where he was buried?

WIT: No.

DIO: How much training do the guards get? What type of training do you put them through?

WIT: They receive a seven-day guard course. Basically it goes through weapon handling, basic first aid, procedures on the airfield, reporting procedures.

IO: How much marksmanship training?

WIT: Well, it's very basic, because what we found is that they're weapon handling skills are quite low. So a good portion of the training that's given is weapons training. And then after every Fri, we run training courses, ongoing training, basically.

IO: Have you had any incidents where ECCI has had security issues, to where you need to come to their defense or protection?

WIT: No. We've had probing, would be an accurate description, of the airfield, where we were deployed out, but there's been no real threat to the ECCI personnel, as such. It makes easier that they live here. So that's all that's on the airfield are local national guys that belong to various construction companies, and our people.

IO: Any idea who's probing, and for what reason?

WIT: It depends who you listen to. There's a character that we use to use as our second sort of fixer, known as (b)(6) who's since left our, well, we don't use him anymore anyway. But this is us, versus them thing. You know, it's Reza Khan's people telling us that it's (b)(6) people. So we've got no real way of knowing.

DIO: Economic invaders, for the most part?

WIT: Yes. That's a good description, yeah.

LA: You said Reza Khan?

WIT: Yeah. (b)(6)

LA: (b)(6)

WIT: We always knew him as (b)(6)

LA: And he's passed on now?

WIT: Yes.

LA: He was a big contractor for you?

WIT: Yeah, he was. Basically he became our primary source of manpower after (b)(6) fell out of grace.

IO: Who's got the contract now that Reza's dead?

WIT: I believe it's been passed on to another brother. He would be the third brother. There was a previous brother. He was the first one that was everybody's source of manpower.

IO: Timor Shah

WIT: Timor, yes. He was killed, and then Reza Khan took over, and now I believe the third brother has taken over for him.

IO: So we're clear, when you're looking for local nationals, do you have a contract with him?

WIT: No.

IO: Or do you basically go through him to facilitate people to employ?

WIT: Yes. That's how we do it. We've used him to get manpower for us. When they come to us, we employ them directly, and they sign our contracts, and they get paid by us.

IO: If you don't mind me asking, why do you use him as your contact?

WIT: From what I understand, when this contract was first set up around March of last year, I think it was, when the guys first came down for reconnaissance to see what it involved, they made contact with the team that was here. And they were using their first (b)(6) and this (b)(6) character as sources. And basically introductions were made. And I think there was like a CA type deal, where basically they would employ equally from both camps, and so I

suppose everybody got kudos out of it. And it was good for the ECCI guys, and it was good for us. We got the manpower that we required. And it sort of kept the peace between the two rival factions that were here.

LA:: You don't know (b)(6) real name?

WIT: No. I only know met him once, and I've had nothing to do with him since, basically. I've only known the (b)(6)

IO: So obviously you're aware of some degree of clan or tribal rivalry here?

WIT: Yeah.

IO: There have been allegations in this incident that the reason it was done was to settle old scores, if you will. And again, you indirectly are indicted as a company by having registered weapons on the site, as well as moonlighting security guards who were protecting Reza at the same time. What's your reaction to all of that?

WIT: I mean, the things about the ongoing clan feud I think are quite true. From what I was told, the original (b)(6) was shot and killed in an ambush by (b)(6). So when the second (b)(6) Reza Khan, came in the picture, we were anticipating a real rake-up in hostilities. But he surprised us all. He came down to the airfield and introduced himself, and basically said that he wasn't interested in reprisals of any kind. Basically what we got was a businessman. You know, he knew there was money to be made.

IO: Reza?

WIT: Yeah. And so he talked to his guys because we still had (b)(6) guys working for us at this stage. He talked to his guys, and it was business as normal. It was really quite surprising.

IO: Do you know anything about Reza's involvement with cell phones?

WIT: I do know he had a cell phone shop up in Herat, yeah.

IO: In Herat?

WIT: Yeah.

LA: With the de-mining operation, did you deal in that at all?

WIT: No. Sorry. The only dealing we had was to introduce the de-mining people to Reza Khan. And from then on they made their own arrangements with him.

IO: Were (b)(6) or yourself aware of any direct Taliban involvement in this area?

WIT: Once again, from what we were told, and funny enough it was, by (b)(6) own guys they had actually told us that he had gone on to the Taliban.

IO: Reza?

WIT: No. (b)(6) the other guy. Which we found rather surprising, because it was his own people that were telling us this. Whether it's true, that's interesting.

IO: These are the same guys that were allowed to stay on after Reza came in?

WIT: Yes.

LA: The weapons, if they have either pictures, I don't know if they have close enough pictures of the weapons somewhere around here, would you be able to look at the serial numbers and see if they match any records of yours?

WIT: Yeah. We've got records of the serial numbers.

LA: But you're saying you're not missing any weapons anyway?

WIT: No. We've always had 81 AKs here, and we've got 81 today.

LA: If somebody was bringing their own weapon, would they be allowed to use their own weapon?

WIT: No. We were approached at times from both sides, asking if we would sell them weapons or provide them weapons, but we said no. The only weapons they use on the airfield are our weapons.

IO: With Reza gone now, and with (b)(6) decision to fire the 40-some folks, who did you get to replace them, and if you don't mind me asking, from who?

WIT: The only replacements have come from Kabul, Bagram, and the latest batch, I believe from Kondo. And they've all been sourced by trusted locals that worked for Armor Group up in Kabul.

IO: So the (b)(6) replacement now is out?

WIT: From the security side, yes.

IO: So you're no longer dealing with what basically you had done now at least times two individuals?

WIT: Yes. The mine action division does still deal with (b)(6) or the new (b)(6)

IO: And any idea how many employees they have?

WIT: No. No, I don't.

LA: Who would be the source of a backhoe, if we needed a backhoe?

WIT: There's a few people who could get it for you. We use a guy, he actually runs the little shop down at the air field. He's a bit of a fixer.

LA: He's a fixer?

WIT: Yeah, he's got us a lot of stuff, you know, but I wouldn't be surprised if you could get a backhoe, put it that way.

IO: Isn't there – is there one on the field right now?

WIT: It could be. The construction companies that are down there use it from time to time.

IO: who would we talk to?

WIT: (b)(6) would be a good guy. He's the lead ECC guy here.

IO: Well, not the same, we're talking machinery, is there a bulldozer on the airfield?

WIT: Not that I've seen. They have front-end loaders. That's probably the closest you'll get to a bulldozer.

IO: (b)(3)130b, (b)(6)

DIO: I've asked my questions, sir.

IO: (b)(3)130b, (b)(6)

LA: If you want to know more about the weapons, the allegations with the ID cards, you may talk to the gentlemen over there and see if they'll show you pictures that they have.

WIT: yes.

LA: and if you find anything out, if you could just let us know, that'd be appreciated.

IO: By that, you mean (b)(3)130b, (b)(6)

LA: (b)(3)130b, (b)(6)

IO: (b)(3)130b, (b)(6) One of the two (b)(6) One's a Marine, one's a Army

WIT: Yep. I know them both.

IO: They captured obviously some armament and other material.

WIT: Yeah, I know they talked to (b)(6) initially because I believe they found Armor Guard uniforms as well, so I know they did talk to (b)(6) regarding all of it.

IO: So to the degree you're not aware of any of that and it sounds like you and (b)(6) are talk to them and they can decide if in fact most of the stuff off the target you've seen, but if I was you, and I'm recommending to the Army and the Marines, the SOF guys, they show you that because you may be; I speculate the control mechanisms you have are either being impinged upon or there's local production of duplicate of some of your documents indirectly tainting into this rivalry discussion.

Sir, I think we're done. Again, our purpose is to prepare a report and recommendations and findings as a result of this discussion. We've been on this for about two weeks, we've been in country for just over a week. We've been, again, talking to both government and non-government officials. Our trip down here, obviously, was to take a look on the site itself which we did yesterday including grave sites. We're going to produce a report when we're done back to our leadership and then they'll decide what to do after that, but your information was very valuable. Thank you very much.

DIO: Again, one quick follow-on question. The uniforms. Do the employees come and go in those uniforms, or is that another controlled item?

WIT: No. I think what may have occurred is when they started expanding the perimeter of the air field, they got a company, I don't know which subcontracting company it was, but they asked permission to hire their own security, because the footprint is so large, we couldn't do it. And they asked the local *Kimdet commander at the time, it was before the commanders were out here, basically his, but he wanted to ask to give them uniforms so his people could identify these armed personnel and nothing -- what (b)(6) did, he agreed to -- he gave them old Armor Group uniforms that were basically no longer serviceable for our use. And these guys were the ones -- well, I think, might have had the uniforms back home.

LA: Did they also, how?

DIO: But you control your uniforms.

WIT: Yes.

DIO: So a guy comes in dressed in his normal business wear, changes out, and then he takes that uniform off and goes home and you guys take care of the laundry and all that.

WIT: I mean, there's no mission any more because these guys all live on base now.

LA: With regard to that security group, that subgroup, did they have weapons?

WIT: Yes, they did.

LA: Then where did those weapons?

WIT: I do not know, they were, yes, they were, those were (b)(6) people.

LA: So those were registered weapons? Were they their private weapons that were registered?

WIT: Yea

LA: Okay. And do they also receive ID cards?

WIT: No.

IO: Okay. Thanks. That's a huge help.

WIT: Do you still require a meeting with (b)(6) from Mine Actions?

LA: Yes, please.

Approved for Release

Encl 14

VERBATIM STATEMENT

OF

(b)(6)

on

22 Sep 08

PERSONS PRESENT:

Brig Gen Mike Callan, Investigating Officer (IO)

(b)(3)130b, (b)(6) Deputy Investigating Officer (DIO)

(b)(3)130b, (b)(6) Legal Advisor (LA)

(b)(6) Witness (WIT)

IO: (b)(3)130b, (b)(6) is -- and then (b)(3)130b, (b)(6) is the lawyer.

We were asked to come here and look into the air strike incident on the 21st and 22nd of August in Azizabad. We've been down here for about two days talking to many folks, and sir, we understand that you're responsible for the de-mining effort around the Shindad Airport.

WIT: Yes.

IO: Sir, can you tell us how long your company has been doing this?

RPTR: If I may, sir, just real quick we're going to be recording because I can't write that fast, and if I could just get you to tell us what your name is.

WIT: Okay. My name is (b)(6)

RPTR: How do you spell that last name?

WIT: (b)(6)

RPTR: Oh, (b)(6)

WIT: Yes.

RPTR: Okay. That's fairly easy. What is your official title?

WIT: My official title is project manager for Admiral Group Mine Action.

RPTR: Okay. Thank you, sir.

WIT: In Shindad.

Questions by the Investigating Officer:

IO: So again, sir, just tell us how long you've been here, how long has your company been doing this. And what I'm really concerned about is that does any information you have reference your company or your employees being effected or involved, killed, injured, on during the Azizabad incident?

WIT: Okay. Admiral Group Mine Action have got contract with ECCI since March or April last year. Okay. To clear a field. Myself came to Afghanistan in June of last year and during -- for a short term to train the miners to use a new kind of mine detectors which is *Mine-Loader Three. Then when I came here for one month, they extend me a second month, a third month, and I still now here.

IO: Since last June?

WIT: Yes.

IO: Holy cow, that's quite an extension.

WIT: Yes, yes. But actually this is a long story, you know, I don't need to go into details, you know, and since September last year they sent me from Kabul permanently in Shindad to be project manager. Okay. That was for ECCI contract. Since June of this year, my company have got the contract with UN to clear 4.5 million square meters in Shindad area, the Shindad district. Most of this mine fields is in airfield and surround air field. Not so far from one which is so far it's may be 7, 8 kilometers distance from the airfield. For that job, we had recruited about 200 people from *herit. This is actually part of the UN project to employ local people to make some money, of course. And we did training with -- refresh training for the miners and training for the searchers. The searchers, they were used just for the area clearance and the miners, for mine field training, for that training we need more time and it's more specific. Okay. For to do our activities outside of the air field, of course we need -- it was requirement to have some security, okay? And we had my boss, actually, my country manager, (b)(6) he's based in Kabul, he had a recommendation by Armor Group Security, send your team leader (b)(6) to employ, I will say the nickname, (b)(6) The guy who provided manpower for AG Security before. And they had -- they had few meetings before and they make agreement to give to us support for the Iraqi before we start the clearance. Then to do security and when we start the clearance. And that was in the end happened and we request of him to recruit 20 guards, 20 guards, 2 mini-buses and one 4x4, actually 3 vehicles for transport of his vehicle. Actually, that was deal, but we had to pay him. He had request to employ more of them, more people. He had, he started from 40 but that's not -- we are commercial company, of course, we are looking to do the business as cheap as possible, you know? And actually, they had agreement to secure our teams with 20 people. And actually we start operations under; I think it's 5th or 6th July. Beginning of July. And from that time they provided he provided to us security for our teams. Most of this I mentioned in the beginning, most of these tasks it's very close to this airport and other one which is on the distance its south of the Shindad may be 15 minutes on the road, driving on the road. That's not so far. This is a short project. This is it.

IO: Was any of your employees affected in the air strike?

WIT: The death guy actually wasn't our employees. Wasn't our employees because they belong to (b)(6) We didn't make any contact with them. Actually all requirements for to secure us, you know, it was through (b)(6) We need five guys from this task, three guys from this task, ten guys from this task, and three guys from the this task, three guys from this task, something like that.

IO: Okay.

WIT: Of these guys who were I will say subcontractor. It is in that, you know, it was six guys killed.

IO: Six guys killed?

WIT: Six guys killed.

IO: Six of your company's security?

WIT: No, no, no. This is (b)(6) yes.

IO: This is (b)(6) employees?

WIT: Yes, yes.

IO: Which were security guys?

IO: Do you remember their names?

WIT: I've got names in my room.

IO: Okay, if we can get those from you.

WIT: Yes, I will bring you a list, no problem.

IO: Great. Another thing is where did they get their weapons?

WIT: This is, I don't know.

IO: They brought them with them?

WIT: This is, beyond them

IO: (b)(6) problem.

WIT: Yes, yes.

IO: As well as uniforms?

WIT: We, what we provided them *national basis. It was old

IO: Old armor group?

WIT: We don't Admiral Group assigns, we don't anything. Just that I call that pajamas, you know, what they use. Because all my de-miners and searchers don't use uniforms because it is dangerous, you know, especially in this area. Then we provided them that national dresses, you know? And they use it, you know, for the work. For traveling and for the work.

IO: Briefly could you tell us how many mines, UXOs you had discovered recently? A lot, a little?

WIT: A lot. Lots.

IO: Where did they all go?

WIT: They destroyed them.

IO: So do any make it downtown?

WIT: No, no. We have got here central demolition site and we doing all demolitions there.

IO: No chance an employee of yours finds a UXO or a mine and is able to take it downtown?

WIT: No.

IO: No?

WIT: No. And I want to tell you, yesterday just to call and I'll explain a few minutes ago. Last night I reported to (b)(6) yesterday morning we found one IED. Exact IED. We took pictures and everything. You know I can also give to you on the access road to Old Task Habasabith which is 5, 6 kilometers away and it was laid in the dirty road and my TM-57 on right side, on left-side pressure plate, you know, improvised with that small metal balls with the foam in the middle. I can give you the pictures if you want no problem.

IO: Where did it come from?

WIT: Me, myself? I am from Bosnia.

IO: No no, not where did you come from, where did the mine come from?

WIT: It's laid there, we don't know. That was yesterday morning.

IO: Do you think it came from your fields?

WIT: No, no. We don't have the

IO: That type of mine?

WIT: No, no, this is for up to now we didn't found anyone that DM-57.

IO: Okay.

Questions by the Legal Advisor?

LA: So who do you think put it there?

WIT: This is big question. And my boss is asking me, you know, this is very difficult to say anything. This is very difficult.

LA: All right. As our ground expert during what we call the after action of the Azizabad area, where the air strike occurred, the special forces guys took a lot of equipment from the area.

WIT: Okay.

LA: A fairly significant land mine and mines were found. There were some photos taken, and then it was the bulk of it was destroyed if not all of it.

WIT: This is, I will say miner possibilities, you know, that somebody took from our field, you know, and no.

IO: Do you uncover these kinds of mines, Russian MVCH-62?

WIT: No.

DIO: Those are all anti-tank. Are your mine fields anti-tank or anti-personnel?

WIT: No. Not any one of those, no.

IO: None of those?

WIT: No. Here on the airfield we found it was just pomus mines, just that kind of mines, and some of them was booby traps, that was something specific for this one. And two days ago we found one on *gym brown, one PMN and maybe ten days ago, ten days ago on the Felca side, this is everything on the road to PMM-2s. And that's it of the mines.

Questions by the Legal Advisor?

LA: Do you think that's where those types of mines might be found?

WIT: No, we didn't find them. No, some of them, no.

LA: I'm good, sir.

IO: Sir, again, I thank you for your time and coming over and talking to us.

WIT: You're welcome.

IO: Again, we're trying to find the truth with regard to really, when the military initially investigated this incident; we came back with reports that 30 to 35 killed unfortunately about five to seven civilians. Our president has apologized to President Karzai; we echo that message to the Afghan people. After the report was closed, many more reports came out with much larger numbers, so our goal is to, again, with assistance from gentlemen like you, is to try to find exactly what happened. So thank you for coming over.

WIT: You're welcome. Any time. Any information if I can provide for you no problem at all.

LA: Great, sir. Thank you.

LA: And we look forward to getting your list.

WIT: No problem. Thank you. I will bring it.

Encl 15

VERBATIM STATEMENT

OF

(b)(6)

On

22 Sep 08

PERSONS PRESENT:

Brig Gen Mike Callan, Investigating Officer (IO)

(b)(3)130b, (b)(6) Deputy Investigating Officer (DIO)

(b)(3)130b, (b)(6) Legal Advisor (LA)

(b)(6) Witness (WIT)

IO: (b)(6) you're here again and we're going to record this with your blessing. You're here because we're part of an investigation team that Central Command has asked us to come look at an incident that occurred in Azizabad from the 21st of August to the 22nd. You're probably aware?

WIT: I understand that, sir, yes.

Questions by the investigating officer:

IO: Okay. We have been able to understand that your company is basically working for the Afghan government?

WIT: Yes.

IO: To do something to the Shindad airport. Please explain.

WIT: Okay. ECC is the prime contractor for AFCEE, which is the Air Force Center for Engineering and the Environment. Now they've changed their name. Their client on from there is CSTIC-A?, and then obviously upwards up the chain to the government. Our job here is to renovate and build new buildings for an ANA garrison for the ANA Air Corps. So it's known as the Shindad ANA Air Corps expansion, phase one. So basically our job is to do billeting barracks for around about 1200 troops. There are I'm told a number of other second phases which include air wing, but obviously we're not involved in that. That's the other stage. We are obviously doing all the civil works. Doesn't involve the runway, but it involves all the interior roads, perimeter road, force protection, guard towers, and fencing around the perimeter. All the barracks, the utilities sewage, power, water. So that's basically it in its entirety.

IO: Okay. Great. Do you own any bulldozers or backhoes?

WIT: The company, no. But obviously, we have four subcontractors on the site of which we have two road contractors. We have a principle building contractor and a utilities contractor, and all of them individually would have a number of plant equipment, heavy plant equipment.

IO: Are you aware of any machinery that might have left one of those four subcontractors to go to Azizabad and help look for casualties?

WIT: I had one of the guys come to me on the 22nd, the morning of the 22nd. I suppose the security guys -- the main team leader, who is actually on leave right now, he came to see me probably around 9:00 that morning. And with one of the SF guys, I believe, who was at Azizabad and they asked if we could lend them a backhoe or a front-end loader and I said well we'll see what we can do. And that was based on the premise, obviously, that the dead had to be buried very quickly. And I said we'll see what we can do and we'll let you know. Now unfortunately we have -- most of the equipment in Shindad is basically owned by one person and he basically hires it out to all the subcontractors. And that gentleman was at the time in Herat. When we looked into it, I got one of my guys to look into the possibility of releasing a backhoe, number one, we couldn't find that guy. We couldn't contact him in Herat, but basically the message came back to me was that even if we could, there were no operators, and even if there were operators, those operators would be unwilling to take the said backhoes out. It didn't relate to any specific piece of equipment, it was just a general request. And unfortunately, we couldn't comply with that request or accede to the request. It was just one of those things that the Bashia, who is the person who has the equipment, I think one of my guys did get in contact with him later that day, probably in the late evening on the 22nd and there was obviously equipment available, but there were no operators. And by this stage, by the afternoon of that day, basically the air field everybody had left because we had to lock down the air field because of the private security. Obviously the locals employed within the local guard force, the Armor Group Guard Force had on them because a lot of them obviously were from Azizabad, and so there weren't basically any -- by the end of the following day, there was nobody here really.

IO: So to say best of your knowledge, Azizabad never got to use any machinery

WIT: Not to my knowledge.

DIO: Is there somebody that you could check with to just make sure that none of the subcontractor may have worked it out?

WIT: Yes, I can double check for you. I have one of my guys, obviously he's a kind of a liaison -- well he's a safety guy, but he's a liaison officer, so I'll get with him.

IO: You seem really confident, though.

WIT: Yeah, I would have -- it's hard to be 100 percent because obviously in this area --

DIO: Stuff goes missing sometimes, somebody decides to drive something down to help somebody out, a friend or relative or something.

WIT: We've had instances where obviously you say one thing and something else happens, or you don't expect something to happen and it does. We've had -- we've not really had anything go missing off the site. And primarily my confidence in the statement would probably be due to the fact that there was a token element of Guard Force at the ECP, at the Entry Control Point, and so anybody -- if it was going out would have been logged.

DIO: Okay.

WIT: So, but I will certainly double check on that.

Questions by the Deputy Investigating Officer, continued:

DIO: Did you have a subcontract -- did you have to subcontract security guards to take, when you expanded the air field?

WIT: The existing guard force that is our subcontractor, their area is what they call the inner perimeter. And the inner perimeter was the original mine line, mined perimeter of Shindad Air Field. So when we extended the perimeter, that did not come under the agreement as it were, and there were no extra guards. I mean going back, this would have gone back to when the fence going into March, maybe that was March. So this question has come up with instances of people getting through the wire and stealing stuff. And it's really down to our subcontractors. And our road subcontractors and fence subcontractors have been providing their own security. And a lot of the private security that they've been hiring is obviously local people organized by certain individuals who have supplied that labor to Armor Group already and also to the mine action guys.

LA: Are you talking about (b)(6) I guess he's referred to?

WIT: Yes.

LA: The infamous (b)(6)

WIT: Infamous (b)(6) the second.

LA: The second. So you're not referring to well, actually you are referring to ...

WIT: Yeah, because there were--

LA: Was (b)(6) number one?

WIT: (b)(6) number one, I think, by the time I got here almost eighth months ago, it was already (b)(6) number two, I believe.

LA: Okay.

WIT: I believe there's now a (b)(6) number three, so.

LA: And he's somehow related to (b)(6) one and two?

WIT: So I've been told from the family. So the guys obviously we're on the construction site, we tend to have everybody around us letting us know, giving us snippets of information, briefing us when necessary. The guys, some of the guys in Armor Group Security, they have that relationship and so they're, I guess their intel, their information on the ground is -- I don't know whether it's one hundred percent, but it's fresh and local.

Questions by the Deputy Investigating Officer?

DIO: Do you take part in any of the de-mining?

WIT: I have a role -- an all encompassing role, I am the UXO manager for ECC.

DIO: What happens to the mines that get pulled out?

WIT: They go -- there's very few mines, obviously. That we are now clear of mines, but when we talk of UXOs, basically they go into a central storage facility, and then there is a regular period between demolitions.

DIO: Okay.

WIT: And so there's a regular demolition program and we've done a few this week which I have attended. I attend most of them just to make sure that the quality safety aspects are in place. I do a weekly report, because we are under a task order for the UXO clearance now, in its second phase. There is a weekly report that goes into AFCEE and we started on the 1st of September in this phase and Armor Group Mine Actions submit to me the daily report which has a break down of all small-arms ammunition, UXOs recovered. Any action taken to destroy them. Obviously because we track their performance on square meter -- square meters of clearance. And this time they did clear in the last couple of months the complete mine line within the old interior perimeter.

IO: Any chance those mines find themselves downtown?

WIT: Perhaps a long time ago. But obviously we managed to close the fence up, the outer perimeter fence a few months ago. And the only mines that were found on the -- in terms of anti-tank mines, none. In terms of -- there's a lot of -- within the wire we had a lot of problems too, anti-personnel fragmentation mines.

IO: The ones on a stick?

WIT: The ones on a stick. And over buy the CDS there's a pile of those that have been emptied out. Finding themselves downtown, it's my understanding that in this area from the way, way back in soviet days, down on the -- which would be outside our original perimeter, but inside the new perimeter on the south, there was also another different ammunition supply point store, and local -- whether it's myth or gossip or whatever you like to call it, says that a lot of the stuff went out into the communities and there were a lot of mines and possible UXO that was taken. Because we do get the occasional incident where we're called up at night and (b)(6) who I think you just met with -- one of your guys is going to meet, yes. Okay. He's from Bosnia and I worked with him closely. He has dealt with quite a number of IEDs, suspected IEDs. Especially on the road on the outer perimeter. And those have invariably recently involved anti-tank mines with pressure plates.

IO: Placed by whom?

WIT: Hard to say. Obviously after Azizabad there was -- in the initial cool down period, there was a great fear around the place of retribution, retaliation from the local community. But there have always been elements to my understanding in Shindad area, so you couldn't really separate or identify specifically certain groups of people, whether it would be old style people, always there, or a knew group of people from the village. I think in these sorts of circumstances the main driving factor is obviously there's a loss of life there, but it's a loss of income. One of the things that we didn't want to do on the construction site was stop people coming into work. And because you know, we're here to provide as much of livelihood to the people around here as possible. And from that perspective, giving the income back to the people straight after the incident, as soon as possible after the incident was paramount to us. And I think that obviously Mine Action also lost some people in the incident that they have taken a lot of the local people back. So I can't see that it's coming from that side, but there's been a lot -- ever since I've been here there's been incidents all up and down the highway. Groups from up the road and down the road from far aside, and that comes to me basically through the security guys and the SF guys on updates, alerts, intelligence that we need to know because we have a lot of material moving up and down the road from Herat and Kandahar that we have to advise people.

IO: How many people did you lose?

WIT: In ECCI and subcontractors, practically none. Most of our local construction workers come from the adjacent Russian village and other villages here, not Azizabad. The Azizabad people worked mainly for the security guys and the Mine Action.

IO: Okay. Well, if you could get back to us on that issue and close up the two percent or so of uncertainty.

WIT: Of uncertainty, yes.

IO: It would be great to know that for a fact that that wasn't.

WIT: Yes. I'll get on to that straight away and if I can verify that immediately I will obviously get through and let you know.

IO: All right.

DIO: I'm just going to say in closing, is there anything you think of substance that we should know about in reference to Azizabad and the air strikes and any -- we've heard a lot of *RUMINT. Anything -- you have been on the ground for some time. Anything that you think would be of significance that you'd like to let us know on?

WIT: No, I mean obviously it came to me late in the morning. When obviously everything was filtering through after the fact. And you hear you know, you hear various, what's going on, what happened and this sort of thing, and obviously things change as they filter down.

IO: The telephone game.

WIT: Yes, exactly. In Asia we call it the bamboo telegraph. And it basically goes around and various stories. We heard that there was -- all we heard was basically air strikes. And the guys obviously across the way they haven't said anything directly, and it's basically all rumor. You know, what you hear, so there's no -- in my view, I'm an ex-police officer, so really anything other than the first-hand story is pure speculation and I -- you hear things that say well, okay, the guys went in here and they called in air strikes and that's basically as far as the information I had is of substance. Other things surrounding, sir, really nothing. Nothing which would, I could say now would be of any benefit. It would be pure speculation.

IO: Again, in an unclassified fashion, do you want us to clarify any gray areas you have in reference to what happened?

WIT: Well, as far as the actual event is concerned, I don't know the extend of what happened.

IO: Well in general, back me up, fundamentally we received some information that bad guys, Taliban, were in the area. There was a operation that was designed to capture some of those members. They encountered a resistance. They had air power available to them, and basically it then became a combined grunt operation with close air support to take care of those enemy combatants. And to a degree, the reason we're here is that initially the JSOTF, the special OPS guys whose headquarters is up in Bagram was tasked after this to do an investigation, and they came by with about 30 to 35 folks who had died, many of which were enemy combatants, but a few civilians, which the American president told President Karzai, we apologize for. Then, within some period of time, that investigation closed on the 29th of August and then new information which is what we're concerned about specifically, this team, with regard to 90 plus casualties, as high as 120ish. A lot of woman and children, a lot of maybe Taliban information operations

campaign being directed against the coalition and here's what it said. So that's basically why we're here. So our job is to distinguish between what we think versus what you have with regard to the UN, the HRC, the Afghan government, and again, that's why we're fundamentally down here. Put eyes on target and trying to determine what the facts are. That's all I can tell you.

RPTR: Sir, what's your full name?

WIT: There you go, I can spell it for you. (b)(6)

RPTR: (b)(6) And what is your official title and place of work?

WIT: My (b)(6)

IO: For ECC?

WIT: ECC International.

RPTR: And what is ECC International?

WIT: Environmental Chemical Corporation.

RPTR: And what is your phone number?

WIT: I have a number of phone numbers, you need a local Afghan?

RPTR: Something we might call from a different place.

WIT: Okay. Well, actually you can get through, but I will drop my other number. I have an IP U.S. phone which I will -- from memory is not in my head, but if you need to write down just our local Afghan cell phone number -

RPTR: We'll take a card, a business card if you have one.

WIT: We don't have a business card because we tend to -- business cards tend to end up in places like Azizabad.

That process has been ongoing. In AFCEE I've been reporting back, and because we're in such a critical stage, it has had somewhat of an impact coming just before Ramadan and in the lead up when we lost -- we had to close down the air field for a number -- up to six days. And then obviously from that point, people filtering back. And obviously it's very good that the -- we did open the gates we really wanted them to come into work, back to work, but of course from the amount of people that we used to have on the air field to what we have now is dramatically less. Ramadan is part of that, and obviously they're only working half days, but the impact also is that for a very long time people have not wanted to come to Shindad. For folklore reasons and for other reasons, obviously this

place is regarded by people, especially Herat, as a no-go zone. Very dangerous. And after Azizabad, then we had a lot of skilled labor, a lot of the masons, the tilers, obviously those skilled workers are not available locally. We lost a lot of those people. And so we're having to bring in new crews. So I just wanted to mention that because it went up to the command in Afghanistan as we report up, because obviously there are people wanting to move troops in here, and so they want to know what the impact on our schedule is, and I suppose it's put us back about three weeks. Three weeks to a month. Which unfortunately no one is going to give us back.

Approved for Release

Pages 228 through 283 redacted for the following reasons:

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Encl 17

VERBATIM STATEMENT

OF

(b)(6)

on

19 Sep 08

PERSONS PRESENT:

BG MIKE CALLEN, Investigating Officer (IO)

(b)(3)130b, (b)(6)

Legal Advisor, (LA)

(b)(6)

Telephonic Witness (WIT)

IO: Good morning, (b)(6). My name is General Mike Callen. As you're probably aware, ma'am, I was informed by the Acting Central Command Commander to be the lead investigative officer for the incident that occurred in Azizabad on the 21st and 22nd of August. As such, ma'am, I'm joined in the room by several action officers from the CENTCOM staff, in addition to two action officers, including (b)(6) from the ISAF staff.

Ma'am, reference to your article, if you would, let me first begin by thanking you for doing this. The focus of our investigation is fundamentally to [REDACTED] and from guidance from the Acting CENTCOM Commander, is to take a look at new evidence that has been presented to [REDACTED] well, that has been disclosed, if you will, to various sources since the completion of the initial military investigation, which was turned in on the 26th of August [REDACTED] excuse me, the 29th of August. So, ma'am, my focus is [REDACTED] for being here is to focus in on new evidence.

So, ma'am, with that in mind, if I could [REDACTED] could you give me some background; and again, ma'am, I'm specifically referencing your article that you published on September 8th. In the paragraph that goes on to describe that you saw 11 dead children among some 30 to 40 bodies lying in a village mosque. Ma'am, do you have any video or pictures of any of those deceased bodies being pulled from the rubble?

WIT: No. I mean, I'm saying that that's what I saw on the cell phone pictures that were shown to me in the village by a boy. So I don't have it with me. We then did get material sent to us [REDACTED] which we then put on the website, which I'm sure you've seen.

IO: Yes, ma'am. We're in possession of ----

WIT: I don't have it myself.

IO: Okay, ma'am [REDACTED] yeah, we're ----

WIT: You haven't seen that yet?

IO: I'm sorry?

LA: She asked if you'd seen it yet.

WIT: Have you not seen the video footage yet?

IO: Yes, ma'am, we have.

WIT: Well, the only one I saw was the cell phone pictures which were very jumpy and moved around a lot. And then [REDACTED] footage as well and stills. But I haven't seen those.

IO: Okay. Ma'am, also, so I'm clear, and I think from your statement you verified that, but you, in essence, got reports from the incident. You physically [REDACTED] other than seeing the video, you haven't gone to Azizabad, correct?

WIT: I did go to Azizabad on the 31st of August just for one day. I flew up to Herat and then just went straight from the airport in a car to the villages, spent most of the day there and left about 5 in the evening, 4 or 5 in the evening.

IO: Okay.

WIT: So I had a lot of [REDACTED] you know, I talked to the villagers [REDACTED] and toured the damaged compounds and grave sites.

IO: Okay. Ma'am, do you have a list of the individuals who were killed?

WIT: I have my notes. It's not really a list, you know, different [REDACTED], different people naming names, but it's not really a list. It's just my notebook.

IO: Okay.

WIT: And then they [REDACTED] and subsequently, I went over all the names of people buried in other villages that I didn't [REDACTED] a lot of people were not buried in the village. They came from other places so in a [REDACTED] I have in my notebook, you know, names of people buried in other villages and their relations to the people in the village.

IO: Okay. Ma'am, in another article, in your piece, you reference an Afghan doctor who ran a clinic in a nearby village who said he counted up the 50 to 60 bodies of civilians; most of them women and children and some were his own patients.

Ma'am, are you at liberty to tell us who that doctor was?

WIT: He asked me to keep his name out. Originally, he gave it on the record, and then he asked to have his name kept confidential so I should respect that. I'm sure you'll work out who he is, but probably better not from me.

IO: Okay, ma'am. Last for me, ma'am, and then I'm gonna introduce my [REDACTED] one of the CENTCOM assigned officers, namely [REDACTED] (b)(3)130b, (b)(6) who is a lawyer on the CENTCOM staff.

Ma'am, you reference again in your article that a local journalist named, and I'll probably screw up the pronunciation, but [REDACTED], could you tell me exactly if that is a he or a she and if it might be [REDACTED] if you could tell us where that individual is located so we might be able to speak with her as well.

WIT: He's a he. He's based in Herat. I think he works at [REDACTED]. And he also works for [REDACTED] used in our article under other ASPs, [REDACTED] He spoke openly on the record. So I'm sure he'd meet with you. He visited the village the second day, the day after. And [REDACTED] hospital and took footage of the woman injured in the hospital [REDACTED].

IO: Okay. Ma'am, that's all I have. Thank you for your time. Again, with your blessing, I'd like to have [REDACTED] (b)(3)130b, (b)(6) ask you a few questions as well, please.

WIT: Sure.

LA: Good morning, ma'am.

WIT: Good morning.

LA: Ma'am, if I understand correctly, you're [REDACTED] the basis for the number of people killed is mostly based on the villagers testimony and the video you were shown?

WIT: Yeah, and the number of graves that I saw and counted.

LA: Okay. And in the video you were shown [REDACTED] you saw 11 dead children. I guess their [REDACTED] did you see their faces in that video?

WIT: Yeah. It's the cell phone footage. And if you'll notice, they only uncover [REDACTED] no, they uncovered two [REDACTED] I think and children. They don't uncover women's faces which is very typically the tradition here. And you can hear the voice of the camera man saying "Is that the wife of [REDACTED] (b)(6) I think at one point, and some of it, yes, they don't lift the cover of her body, so you only -- as you go through, they only lift the covers of children but you do see [REDACTED] there were more than [REDACTED] there were more than 11. I think there 13 that they lifted the cover, but the footage is so bad you can't see at least two of them, so I didn't count those. But there were 11 that I could clearly see were children. The children were [REDACTED] I used that detail in the story.

LA: Okay. And you also saw rows of approximately 20 bodies on both sides?

WIT: Yeah. We [REDACTED] I, in going through my own footage, we watched it many times and froze the footage and then counted what we saw. We came up with slightly different numbers [REDACTED] number of what we thought were in there in the mosque at that time and captured on the film.

LA: And did you visit that mosque when you were in Azizabad?

WIT: I did, but I wasn't thinking to pace it out and work out how many people it could hold. I did see it. It was a quite full mosque, but it is long and several connecting rooms.

LA: Okay.

WIT: But we weren't thinking that at the time, so I didn't really concentrate on that and how many people it could hold.

LA: Understood. Switching to another topic, are you aware of the demonstration that occurred days after the incident?

WIT: Yes. Only [REDACTED] not very [REDACTED] I didn't do much work on that. I didn't get a very clear picture of what happened.

LA: Okay. Do you have any idea of who was participating in that demonstration? Was it people from the town or people from outside the town? I understand ----

WIT: I understood some people came from outside, yeah, which is what [REDACTED].

LA: Okay.

WIT: But that [REDACTED] talked on that with the district chief. He was there at the time.

LA: The district chief being ----

WIT: The chief of [REDACTED].

LA: ---- [REDACTED]?

WIT: Yes.

LA: Okay. And recently, [REDACTED], you're aware somebody attempted to take his life?

WIT: Yes, I know that. And his son was killed.

LA: Yes. Do you have any idea or would you speculate on who that might have been?

WIT: No, I don't know the [REDACTED] at all well. I mean, I did meet with him. You know, I don't know. [REDACTED] look into it.

LA: Okay. Are you familiar with [REDACTED] along that same line, are you familiar with the potential inter-tribal feuds or disagreements that have resulted in deaths in that area? Can you give us background on that?

WIT: Yeah. I mean, I'm aware of some of it. And I mean, from what I understand, he's of the same tribe and he [REDACTED] in the area where a lot of this is happening, but I don't know [REDACTED] and he [REDACTED]. He doesn't like the [REDACTED]. But it's so tricky to know really what's going on in these places. I haven't spent enough time there. But I've been there several times over the years and I am aware [REDACTED] I knew [REDACTED] and his family quite well, so [REDACTED] and I'm [REDACTED] you know they've also got feuds within the inter-tribal [REDACTED] within the [REDACTED] community. But also [REDACTED] far bigger feud over the years. So I know something of it, but I wouldn't begin to be an expert.

LA: Okay. So with regard to the inter-tribal piece, could you speak to that at all a little bit in a more detail?

WIT: You mean [REDACTED]?

LA: Yes, ma'am.

WIT: No. I mean, that's [REDACTED]. I think the UN wrote about that. But I don't think [REDACTED] I mean, what I [REDACTED] I mean what I understand is that the people mostly against [REDACTED] people who this tribe is connected to, their biggest rival [REDACTED] people. But yeah, I haven't looked into it because I don't even know [REDACTED] tribe he is. But he's the main guy they're accusing of feeding that information.

LA: Okay. Who is not their ----

WIT: [REDACTED]

LA: I'm sorry, ma'am. Could you repeat [REDACTED] who are they accusing of giving that information?

WIT: Say again.

LA: Who are they accusing of giving bad information?

WIT: [REDACTED] is the name that everyone says is the rival who gave the information to the Americans that there was Taliban in the village that night. And it could be a business rival more than a tribal rival.

LA: Okay.

WIT: People in the villages were [REDACTED] behind it. And I think something that came out recently with [REDACTED].

LA: Okay.

WIT: I don't know if he named him, but he just [REDACTED] man that they knew now, who gave the bad information.

LA: Who is [REDACTED] did you say [REDACTED]? Who is he?

WIT: He's a [REDACTED] business man who had a share in the company with [REDACTED] whose the main man who was killed in Azizabad that night. It was his ceremony that was being organized through his brother. And they were partners. And then [REDACTED] killing. The family that got hit in Azizabad, they were celebrating the memorial service of [REDACTED], the brother who was killed the previous year in a business dispute. And I think they blamed the family of [REDACTED] and so they said that he was doing a pre-empted strike against them because he knew they were gonna come and get him one day for the death of their brother. So they pretty openly said that they thought he was behind it and he had relations with the Americans and led them into this operation, saying that there were Taliban in the village that night [REDACTED].

LA: But ----

WIT: I know that some of the delegation [REDACTED] thought that that was the reason as well.

IO: Ma'am, I was gonna add, based upon that, then, is the allegation, again [REDACTED] so I'm clear, is the allegation that the business partner of Reza was the allegation with regard to bad intelligence; in other words, it was a business affiliated motive or was it [REDACTED] again, was it tribal?

WIT: Well, it could be tribal as well. But from what I understand, their business men. They have lucrative contracts, provide security for Armor Groups in reconstruction [REDACTED] to what we contracted construction at the base there. I think it's a business issue, but it might be a tribal element to it as well, which I'm not sure. But I didn't ask what tribe [REDACTED] I think at the time, so I think definitely when the [REDACTED] contracts in Afghanistan and often that's what's to blame. But they tend to use the tribes in the business because they trust them the most, so most contracts go to one tribe, so yeah. I'm really not sure what the relationship is with [REDACTED]. He lived in just the next door village. It was not his house, but he was there.

IO: All right. So, ma'am, again, only because I've got a small brain, I want to clarify, this [REDACTED] your response therefore would indicate that the Reza's business partner, I assume in the contracts and/or the cell phone business is the alleged bad informant and he potentially is from a separate tribe so the business angle, their motive would be is that if Reza was eliminated, and/or the tribal retribution from the killing 9 months ago, then obviously the other business partner would have the business to himself?

WIT: Yeah. Yes, exactly.

IO: Got it.

LA: Ma'am, going a little into ----

WIT: I'm sorry ----

LA: Go ahead.

WIT: He would be removing someone who he knew had the right to get him, blamed him for the death of their brother. So he was then removing the threat to himself.

IO: Okay.

WIT: Because [REDACTED] that maybe they would want [REDACTED] they'd come and get him, so it's [REDACTED] yeah. There could've been a double motive in other words.

LA: Ma'am, regarding [REDACTED] in your article, you talk about Reza Kan cell phone business in Herat. Do you know anything about that business, where it's located, is it a physical location or ----

WIT: No, I don't.

LA: Okay.

WIT: What I understood was that the bigger business was [REDACTED] well, actually, they [REDACTED] in the village, but the bigger business [REDACTED] security. He provided personnel for a security firm because a lot of guys in the village worked for Armor Group and they managed to get jobs there. And I think he was the main person supplying that.

He also supplied or helped and provided logistics and personnel to a contractor working at the base. [REDACTED] he had three SUVs on rent. They still are on rent I think to people at the base. So I think those were the bigger contracts; the bigger business from what I understood.

LA: Okay. You [REDACTED] also in your article ----

WIT: The cell phone business is just a shop I think. It's not like a franchise or anything.

LA: Do you know [REDACTED] I don't suppose you know what the shop's name is?

WIT: Excuse me?

LA: The business name; the shop's name in Herat do you know what it's called?

WIT: You're breaking up a bit, but do I know the shop's name? No, I don't.

LA: Okay.

WIT: The security company I think I know is Armor Group.

LA: Ma'am, in your article, you talk about a similar raid in 2007 that caused, according to your article, NATO to tighten up their rules with regard to employment of air power. Which raid was that?

WIT: It was a raid in [REDACTED] in April. [REDACTED] could probably on the internet find it in the archives. And it was [REDACTED] in [REDACTED] District. It's just 20 kilometers away from Azizabad and again, it was Special Forces who went into the village and I think wanted to check out a room and [REDACTED] and had a big fire fight. It was quite a big deal at the time.

LA: Was that -- were the allegations made, regarding that air strike, ever substantiated by international organizations like the AIHRC or UNAMA, etcetera?

WIT: Yeah, they wrote a report on it in which the military came out okay in fact. They said they probably didn't use disproportional force because they say the villagers did fight there. It was pretty clear that they took up weapons and fought. But [REDACTED] gunman are fighting from houses, should [REDACTED] bomb the houses, you know. That was what I was referring to in the story.

LA: Okay.

WIT: But I think the villagers said like 57 people killed and the Human Rights Commission worked out that about half of those were probably combatants; were probably [REDACTED] they were villagers, but they took up their weapons and started shooting at the Americans, so it was quite a big firefight there.

LA: Ma'am, when you talked about visiting the grave, where did you visit those graves?

WIT: Where?

LA: In Azizabad, the area that you said ----

WIT: Yeah, there's a big grave site as soon as you drive into the village near the road. You just turn off the road and it's the first one, I think, you come to and the village is quite spread out but the first circle that you come to, the first [REDACTED], is called [REDACTED] which means New Town, which is [REDACTED] newer part of the village and that's where the first grave site is and that's the main grave site where [REDACTED] who was killed, you know, a year ago, he's buried there and [REDACTED] was buried there and women and children. One of [REDACTED] wives was buried in another village. But there's quite a lot there. I think I counted 24 graves there. And the villagers said some of them were multiple graves. They buried kids in more than one grave. And then there's another village [REDACTED] there's another [REDACTED] of course, the other side of the village, there's a lot of graves sites; 13 graves. And then the third one, near [REDACTED] where we saw 5 graves.

LA: Ma'am, with the ----

WIT: [REDACTED] within the confines of the village but it's quite a spread out village you know. You have to drive in a car quite far.

LA: Ma'am, with regard to the graves that had multiple bodies placed in them, is that traditional in Afghan culture?

WIT: No, actually. A lot of people say no, you don't do that. But they say that the [REDACTED] and I didn't go and see him, but the [REDACTED] in the village, he said it's okay to for children. So [REDACTED] and they also say a lot of bodies were in parts. But I think when it's been a really big calamity they do mass graves, but if they can manage not to, they bury people individually. And so his ruling was that the adults should be buried individually but the children could be put together. So they claim that they put together [REDACTED] but you know it was reported [REDACTED] didn't use it, but [REDACTED] graves in the village but they said 50 people were buried and that's how [REDACTED] in the discrepancy.

LA: Ma'am, what's the [REDACTED] name?

WIT: I don't know. I'm sorry. I didn't meet him.

LA: Oh, that's [REDACTED] no worries. Ma'am, finally, you've been very helpful. Do you have any other evidence that you think we should consider or any other [REDACTED] anything else you can point us to that will help us get to the ground truth here?

WIT: It's very difficult [REDACTED] you know, without I mean going to all the graves and it's a lot of work cross-checking people to count, who they say is in there, and without exhuming the grave, it's going to be very difficult. But I think the UN has done a lot of that. They're [REDACTED].

And then, I think finding as many people -- you know, there were independent people there on the day. There were [REDACTED] people like the [REDACTED] [REDACTED] in the village, but you know some of the school teachers that I [REDACTED], the district chief who I found was a very fair guy [REDACTED] you know, it's all [REDACTED] witnesses because [REDACTED] late in the day. I think when you look at the houses and you see how they were built and how they collapsed, then I think you can start to see that a lot of children could've got trapped under the rubble. But yeah, I didn't get a figure of 90, you know. I only got to 42 graves. So it's a big job to try and reconcile the two numbers.

IO: Okay, ma'am, again, as was mentioned from (b)(3)130b, (b)(6) we appreciate the information you have given us. This has been very helpful with regard to corroborating other discussions that we've had with other NGO and/or official Afghan sources. I appreciate your candor and I appreciate the information that, again, is ultimately to justify the reason we're here, and that is to get to the ground truth of this and produce a result. I think you know this, but I'll say it, again, my report is due back to the Acting CENTCOM Commander within the next week or so. And I'm gonna produce that to him. And then, I'm gonna let, obviously, CENTCOM decide to what degree that information is to be released but I would expect to some degree, it will be, but that will come from CENTCOM Headquarters.

WIT: All right. Okay. Great. Well, good luck with it. It's a difficult one.

IO: Yes, ma'am. **END OF INTERVIEW**

Encl 18

VERBATIM STATEMENT

OF

(b)(6)

on
26 Sep 08

PERSONS PRESENT:

Brig Gen Mike Callan, Investigating Officer (IO)

(b)(3)130b, (b)(6) Deputy Investigating Officer (DIO)

(b)(3)130b, (b)(6) Legal Advisor (LA)

(b)(3)130b, (b)(6) Female (PAO)

(b)(6) Interpreter

(b)(6) Witness, (WIT)

IO: Have you been to the Azizabad incident where the coalition forces operation occurred; and if so, describe briefly what you saw?

WIT: We learned of the incident on Friday. We gathered a few of the new reporters. We went out together to Shindad. Some of the reporters had heard that there were civilian casualties. They went with the ANA to the Shindad, along with the Special Forces. They saw one of the Americans who was wounded. His leg was wounded. Due to the sensitivity of the issue, the ANA did not allow them -- the people were gathered out of the mosque and they were not allowed to go talk to the people.

That day, contortion reports the ANA was saying there were 30 killed; 25 of them were Taliban and 5 of them were civilians. In the evening, or in the afternoon, when we were turning back, the ANPs announced that there were 76 killed. The next day, we tried to go again to the area. The Armour Group Company issued cars to take us to the area. People were demonstrating.

We went again to the village at Azizabad. We tried to speak with the people whose some of the houses were bombed. We were told that it was visible; that they were not using just bombs. They were using guided bombs because one house would be bombed; and then three houses would not be bombed; then another house would be bombed. Fifteen houses were bombed. Out of fifteen houses, seven or eight was destroyed and the others was not destroyed.

The next time when they went, they found out that most of the weapons that were confiscated belonged to Reza Kahn. Reza Kahn was one of the security contractor for the coalition forces. Also they showed us some of the uniforms of the ANA and ANPs. ANP showed us the uniforms of those killed in that incident. One of the police cars was parked at one of the houses. When we went to the houses, I saw some of the belongings and you could tell that they belonged to kids or ladies. They also showed us 22 coffins. From the graves, you could tell that they were

longer and you could tell these were grown up bodies. But they also mentioned that some of the kids, they put them together in one grave. They just buried them. You could see utensils where they had cooked food and stuff. According to the information, somebody was killed and on the 40th day, they have a tradition where they celebrate and come together and there were a lot of people had gathered that night for that reason.

I also saw a guy that was shoveling the dust in the area. I asked him why he was doing that. He told me that he was looking for one of his cousins and his 2-year old daughter who might be under the dust. At one of the graves, we saw where people were trying to dig. I asked them why they were digging. They said that this guy was killed the next day in the demonstration where people were demonstrating.

When we went the next day to Azizabad, people were gathered in a mosque. They were showing pictures. I gathered some of the pictures that people had taken with their mobile phones and cameras and also spoke with some of the AMPs who had taken pictures. Looking at them, you could tell that the number killed was tense.

IO: As a result of all of your reporting investigation, what is your best estimate as to how many total casualties were involved during this operation? How much evidence do you have to support your number, not counting seeing cloths or blankets?

WIT: As a journalist, I cannot say exactly how many were killed, but according to the report that I got from the government of Afghanistan and also the police, they concluded that 91 civilians were killed. In my report, I also mention that one side is saying this and another side is saying that.

IO: Did you see any graves?

WIT: Yes. I saw 22 graves myself. I asked the people why they were claiming that 91 were killed and only 22 graves. The people said most of the people were not from this area. Once they were killed, they were taken to their own cemeteries in other areas. People also said it was hard to dig and some of the body parts were so mixed up so they maybe put two bodies in one grave.

(b)(3)130b, (b)(6) What other villages or other places were these visitors out of so we know where the graves are?

WIT: The incident took place in Shindad. Shindad is a district. The incident was in Azizabad village which is also considered a sub-district in the district in Noabad. I don't have names of areas or villages where people came from.

(b)(3)130b, (b)(6) Other than the two that the coalition forces treated, are you aware of any other wounded; and if so, what hospital were they taken to?

WIT: I saw one of the ladies whose name is [unintelligible] at Herat hospital. I went there and I took her picture. She was the only one. She was wounded.

IO: We are being told that according to Muslim religion, multiple bodies are not buried in one grave. I understand the body parts. Even though you are not a religious leader, what is your personal information is regarding being able to do that. Is it allowed or not allowed? What is the truth?

WIT: I am not Muslim. I do not know too much about it. I have heard the same thing you have mentioned; that in Islam, they don't bury them that way. I took some pictures of the graves. I took some pictures and also recorded some of the interviews that he had with people. I am not coming to my own personal conclusion. I was told that they buried a few in one grave because it was really hard to identify hands and legs.

IO: Thank you for your time. We will do our best to find the truth.

WIT: Thank you very much. I am also looking for the truth. One of the reasons that I interviewed and took pictures was to find the truth because the government of Afghanistan is claiming 91 lives.

Approved for Release

Encl 19

VERBATIM STATEMENT

OF

(b)(6)

(?) from UNAMA

on
18 Sep 08

PERSONS PRESENT:

BG MIKE CALLAN, Investigating Officer (IO)

(b)(3)130b, (b)(6)

Legal Advisor (LA)

(b)(6)

UNAMA

Unidentified Male, UNAMA

IO: ...into question. And so, fundamentally, that's the focus of my investigation.

(b)(6)

Okay. Maybe just first, before we start ..

IO: Please.

(b)(6)

██████████, the Head of the Protection of Civilians team in UNAMA cause I know you're based in Germany. I don't know how familiar you are with UNAMA. I'm headed, of course, by (b)(6) SRSG, Special Representative to Secretary General. And I head up the Human Rights team in UNAMA, so we're -- protection of civilians is part of the Human Rights team.

IO: Right.

(b)(6)

I don't know what else -- yeah, just before we start, do you want me to explain anything more about UNAMA and what our responsibilities are in relation to the protection of civilians issues.

IO: I --

(b)(6)

You may be familiar with this already. So there's no point in me --

IO: Yes, ma'am.

IO: Yeah.

(b)(6)

You are familiar?

IO: Oh, yes, ma'am.

(b)(6) Okay.

LA: We got both your bios and

(b)(6) Oh, okay. Great. And of course

LA: -- with regard to your backgrounds and

(b)(6) we operate obviously on the basis of a Security Council Resolution as well that, of course, of the Human Charter.

LA: Yes, ma'am.

IO: Okay.

(b)(6) Yeah, so obviously you know that we have done an investigation, as have others, and that we're very interested in helping the our colleagues and US military to better investigate your initial findings.

Of course, we need to be clear what the parameters are. We're here, obviously, on behalf of (b)(6) (b)(6) who is out of town at the moment, or out of the country at the moment.

LA: Okay.

(b)(6) And he's been back and forth, and I've been a part of some of the discussions, and so has (b)(6) with General McKiernan.

LA: Okay.

(b)(6) I don't know now if this is more clear terms of reference because the idea is for us to be able to interact and to be sure there is a mutual accountability and transparency on how we do that. (b)(6) had mentioned yesterday that you would like to see what evidence we have, including, I guess, the videos, some of which you probably have seen already in any case.

LA: Yes, ma'am.

(b)(6) Have you seen the video stuff?

LA: We have.

(b)(6) Okay.

LA: Well, I've seen a version of the video.

(b)(6) The NDS video or ...

LA: In essence

UNAMA MALE WITNESS: There's several videos.

IO: ... provided 120 megs of videos and still footage.

(b)(6) Okay.

UNAMA MALE WITNESS: I think that might be the ---

IO: I haven't which videos that you have so I can't do a comparison.

UNAMA MALE WITNESS: Sure.

(b)(6) Okay. We can talk about that; what is available; what we have access to. Of course, the other thing I need to emphasize that working for the United Nations, clearly we've got responsibilities, in terms of confidentiality from the people that we interact with. You've probably picked up some of the people who began tracking not just -- others are now quite concerned their well-being. So we have to, obviously, continue to respect that.

IO: Understand. Okay. From our perspective, again, a lot of the information, since we've arrived in Germany -- or from Germany is classified to include some of the details which have been in the open press and I'm very free to talk about those. So, (b)(6) if I may -- I can call you that?

(b)(6) Absolutely. I took out some cards just in case.

IO: Okay.

(b)(6) You have one already I think.

IO: Thank you.

LA: Thank you. So, fundamentally, I'm prepared to be as transparent as the classification level will allow me.

(b)(6) Okay.

LA: And I think you hit the nail in the head. Strategically, our focus is, if I could ask both of you, do you have any new -- what I will call, new evidence that was brought to light after? From my perspective, the initial investigation from the US side was closed.

UNAMA MALE WITNESS: When was the US investigation closed exactly?

IO: It was approximately the 29th of August, thereabouts; on the 29th or 30th, that time frame.

UNAMA MALE WITNESS: Okay.

IO: And I guess the biggest issue for us or what we're trying to get at is any evidence that was presented to you by third parties. We're interested in -- we're on a fact-finding mission, as the General said. We're trying to collect up as much evidence to get to what really occurred.

(b)(6) Okay, maybe -- it would help you, then, maybe to explain we can explain in broad terms what we've done since the 22nd of August.

UNAMA MALE WITNESS: Yeah.

LA: Okay.

UNAMA MALE WITNESS: Just to preface this though that ---

IO: And we're -- have we talked about the recording?

LA: No, sir, we haven't.

IO: Let me make it clear that since my lawyer shorthand is terrible, despite my last weeks of training, we're going to, with your blessing, use a digital recorder to get some of this, in order to fundamentally take transcription, reflect exactly back -- how -- what was discussed, when it was discussed. It's nothing more than a record-keeping event, but you need to be aware that this is on.

UNAMA MALE WITNESS: Okay.

IO: Okay.

UNAMA MALE WITNESS: I should just preface what I'm saying with the fact that, as (b)(6) mentioned, we're representing the -- (b)(6) the Special Representative to the Secretary General. And the terms of how much we're able to provide to you, in terms of our reporting, will be actually decided by him. So, we actually envision that this is a preliminary meeting to understand what your terms of references are and what sort of things you are looking for, in terms of how you wish to interact with us. So I think that that decision on handing over reports and detailed information will actually be made by him.

IO: Okay.

UNAMA MALE WITNESS: So what I'll do is, I'll just talk to you, generally, about what we did, in terms of our investigations on this issue, and we'll take it from there.

IO: Okay.

UNAMA MALE WITNESS: The United Nations, we first received certain reports of the incidents on the day that it happened. We also contacted a number of sources immediately to follow up from NGO Staff and other sources working in the environment to actually tell us what

was happening at the village, which they did. We followed this up with contacts with provincial government and local government authorities, including tribal elders. We then had a series of four separate visits to the village.

IO: To Azizabad?

UNAMA MALE WITNESS: To Azizabad, to Nowabad, to the village of Nowabad.

IO: Four visits?

UNAMA MALE WITNESS: Four visits, yeah; on the 25th, the 29th, the 4th and the 8th of September. During those visits, our methodology was to investigate and interview as many of the local villagers as possible, including eye-witnesses, to cross-reference information being provided by third party sources, second and third party sources, such as village elders, government officials, etcetera, to cross-reference statements made by individual villagers as terms of, for example, numbers of casualties in different houses and where they were buried and their names, rough ages, or genders. And we cross-referenced that with as many people as possible. So we interviewed -- on each occasion we went back, we interviewed different, and sometimes the same, people in order to be able to cross-reference their stories or their testimonies in order to see that they actually did direct us in the same direction of the evidence of what we had before us.

So, in terms of those investigations, we then catalogued different houses where different bodies were found, different family members, ages and genders, etcetera, traced them to where they were buried in different places; that evidence always recorded at the end of the day with a certain figure of casualties.

So -- we also cross-referenced again by interviewing members of the different delegations that had been there. So we interviewed the provincial government delegation, members of the central government delegation, other people who had gone to do investigations. That ranged from independent organizations through to journalists who happened to be on the ground as well, just to cross-reference our information with theirs to ensure that it all came to the same conclusions.

(b)(6) And of course, also -- well, you probably know this, that there's been special briefings for General McKiernan as well as some other colleagues in the diplomatic community.

IO: Yes, ma'am.

UNAMA MALE WITNESS: Yeah. In those briefings, they were given some of the information that we had. By no means, all of it. We have since condensed our reports into an overview report which is now in the possession of the SRSG which includes also video and photographic evidence as well as testamentary evidence, references to testamentary evidence of individuals.

IO: Again, SRSG?

UNAMA MALE WITNESS: That's (b)(6) Special Representative to the United Nations

(b)(6) Correct. (b)(6)

UNAMA MALE WITNESS: Yes.

(b)(6) Special Representative of the United Nations

UNAMA MALE WITNESS: Special Representative

(b)(6) Special Representative to the Secretary General.

UNAMA MALE WITNESS: Yeah.

(b)(6) We have different sets of acronyms, too.

UNAMA MALE WITNESS: So basically this is an example where we had excellent access to the site. And we made it out there often in the ongoing days and weeks to cross reference and to check information to re-examine sources, re-interview sources, cross that information with other sources to ensure that the same stories were basically coming out as opposed to contradictions that couldn't be explained. And you must understand that our focus is actually on the result of the actions, not on the actual build-up or leading to the incident. Do you understand what I'm saying?

LA Yeah. A good picture of what happened; that our focus is very much who died where, who is this individual?

UNAMA MALE WITNESS: Yeah.

IO: To summarize it, if I may, and you can tell me if I'm correct. Your interest is primarily on whether civilians were targeted or killed?

(b)(6) Correct.

UNAMA MALE WITNESS: That's right.

IO: Not the why's or the ---

(b)(6) Our focus has been on -- it always is, in these investigations, given our work and role in UNAMA, how are civilians impacted by the armed conflict? That's our focus, and that kind of -- there are different tangents to that. You can go off in different directions. There are lots of issues that arise out of that. But our focus is how are civilians being effected by the armed conflict. So, for example, we're not directly involved in what's -- condolence payments. But we are -- we're not directly involved or essentially involved, but we sometimes do get involved. We sometimes get involved in detention issues, but our initial focus is on how the war impacting civilians.

So again, if a house is destroyed or a school is destroyed, we will pass that information on to our humanitarian colleagues.

IO: One clarification I'd like to make, my understanding is the acronym that UNAMA is using for the bad guys, AGE, the Anti-Government Elements (Armed Opposition)

(b)(6) Armed Opposition.

UNAMA MALE WITNESS: That's it.

IO: Armed Opposition

UNAMA MALE WITNESS: Armed Opposition AGE, yeah.

IO: And even though from some classifications, I've seen some groups that might regard them as civilians because they're not a uniformed military. But that is different than the civilian casualties that ---

UNAMA MALE WITNESS: No. We try to differentiate. But as I say, according -- that depends on the evidence and the information that's available and we're limited by what evidence and information is available. So, you know, for example, an AGE is anybody in -- an armed anti-government element, an armed element who is fighting an opposition to the government. It doesn't matter who they are.

(b)(6) With weapons.

UNAMA MALE WITNESS: With weapons. We don't actually distinguish between Taliban or groups of AGE, often because you can't because the relationships these people have are often very murky and one guy might be a tribal leader and he might be involved in a tribal conflict but he might also have some affiliation with someone who is known to be Taliban but are they Taliban or are they tribal leader, are they just anti-government, are they-- I mean, it's very complicated. And it always depends on the situation so we try to steer away from such classifications unless someone ---

(b)(6) Well, we do steer away.

UNAMA MALE WITNESS: Yeah.

(b)(6) We refer to the armed opposition -- I arrived back in country in February and there is this terminology that is used widely, AGE, so it's very confusing to anybody outside of Afghanistan. So we also use that, anti-government elements. But internally, we talk about the armed opposition.

IO: Okay. Did you want to continue?

UNAMA MALE WITNESS: No. It's just -- no, not really. I was just gonna say, it's usually the circumstances don't make it feasible to make those sort of distinguishing characterizations so we don't, you know

LA: Relative to both (b)(6) questions we're kind of on a roll. Did you want to say anything else?

UNAMA MALE WITNESS: No.

LA: Please

(b)(6) The idea was just to give you an overview of what we have done.

UNAMA MALE WITNESS: Yeah. I'm -- as I said, we've tried to be as thorough as we can. We've been to the village on four separate occasions. We've interviewed a range of sources from first hand eye witnesses, relatives, villagers, through to NGO's, International and National NGOs, government sources, a range of people and cross-referenced their statements to see how they accord. And that's sort of gone into our report findings, which, as I said, are with the SRSG at the moment.

LA: Okay. Well, officially, I'd like to ask your supervisor if I could have a copy of that report. That would be very interesting with regard to details, obviously, from your perspective. You've "done a lot of homework" in order to arrive at the report. So I'm clear, you had talked about the report that (b)(6) ?

(b)(6) (b)(6) His first name is (b)(6) It's a (b)(6) name.

LA: Okay.

(b)(6) His birth name is (b)(6) Then the family name is (b)(6)

LA: Okay. (b)(6) you had said that he is in possession of the, so I'm clear, report and then you said an overview report. Is it --

(b)(6) Yeah. We've done a detailed --

LA: -- the same thing?

(b)(6) -- report. It doesn't go outside our office including to (b)(6) the names of the people that we've interviewed.

LA: Okay.

(b)(6) That --

UNAMA MALE WITNESS: Confidentiality reasons

(b)(6) protects

UNAMA MALE WITNESS: -- reasons.

(b)(6) their well-being.

LA: So as a result, you've

(b)(6) So he's got the summary report.

LA: basically generated another report that is, my word, sanitized?

(b)(6) I wouldn't use that word. But it's minus identifying information of our

UNAMA MALE WITNESS: Sources.

(b)(6) sources.

LA: You're describing that as the overview?

UNAMA MALE WITNESS: Yeah. That's the that's the report that (b)(6) has at the moment. That's in his possession.

IO: You wanted to react to my request

(b)(6) Well, yeah, 'cause At onset, I try to, you know, so that we're all on the same page and not confusing each other, is that ---

LA: We don't want to confuse each other.

(b)(6) --- is that we are anxious to help you as much as we can. But we have to do that inside defined parameters, so it would be important for us, before we would even ask (b)(6) you know, your terms of reference, how you -- yeah. What are your parameters for this and how we share information or what you share with us because you said you're operating inside a certain classification. You've got certain -- I don't know how you described it, sorry.

LA: Well, yeah. I was describing it with regard to the report that the military has already completed is a classified document. So I'm bound by the classification rules with regard to its content and subject to information being unclassified, which is a category in itself, I'm free to discuss that with you, as well as anyone else in my attempt to gather as much information that from my perspective is additive to the initial investigation that the military has already completed.

IO: Ma'am, but I think what you're searching for is how are we going to use the information you provide us, how are we going to -- whether we're going to release that or not.

(b)(6) Yeah. I mean, that's one part of the question.

IO: Right.

(b)(6) The other part of the question is I understand that your documentation, some of it, is classified and that someone will determine what information is not in that category, is unclassified, and can be shared with the United Nations. So we would need to know in advance...how do I describe this? Can you help me? What would be level of information you share with us?

IO: But do understand this part, we're mostly in a fact-finding at this point.

(b)(6) I understand.

IO: But you're looking for what information we can provide you in return?

UNAMA MALE WITNESS: Well, we're -- just let me -- I think what the concerns are is of the transparency and that, in fact, the information that we provide is going to be utilized in an appropriate manner in terms of your -- the conduct of your investigations, that it's not just going to disappear and not be utilized or be utilized inappropriate, I think, perhaps is also a concern and also about protecting sources of information that -- because you know there's a lot of things going on out in that sort of place and those people have their security concerns from a whole range of issues and so that's one of our primary concerns. And we also have to operate under our security council resolution, which creates us, and we are unable to step out of that boundary. So we have to conduct our investigations impartially and neutrally as the United Nations. So we have to ensure that those things are respected as well.

IO: Sure.

UNAMA MALE WITNESS: So I think these are also just ---

(b)(6) Another way of putting it ---

UNAMA MALE WITNESS: --- concerns.

(b)(6) ---- putting this is what's the level of mutuality?

UNAMA MALE WITNESS: Yeah.

(b)(6) You know, clearly, we're not going to come here and say, "This is our file. We'd like to see how you're arriving at your conclusions," in other words. Yeah. We would need to know how you're arriving at your conclusions; on what basis?

LA: Just ----

(b)(6) Is there a discrepancy or do we have different pictures?

LA: Well, what I ---

(b)(6) We'd also like to know -- you say you're on a fact-finding mission. What's the end use of your fact-finding?

LA: Well, just to go into that a little bit, sir.

IO: Okay. But this last question is fairly easy to respond to. My guidance, again, my tasking is from the Acting CENTCOM Commander. He has asked for me to conduct investigation and focus on the evidence. My end product, if you will, is two fold: I will give him a briefing directly to him at the conclusion of my investigation; and additionally, there will be a...help me out, a AR 15-6.

LA: 15-6, Investigation Report.

IO: It's what the Army calls it. I'm in the Air Force, so it makes my head hurt, too, a little bit, but I'm going to file a report that's going to be legally reviewed for its content and those two products are going to be in the hands of the Acting CENTCOM Commander. What he decides to do with the information and to whom he gives that information to will be his decision. So I'm doing this on his behalf.

LA: With regard to the terms of reference, ma'am, do you want something in writing and who do you want me to meet with to draft that from your organization? I'd be happy to do that.

At this point, with regard to mutuality, a lot of the information, we're gonna use to come to our findings may be classified and may not be stuff we are able to share just because as you have protected sources, so do we, and those people's lives could be put at risk by sharing them outside of certain channels. Also, some of our ways that we conduct business, TTPs they're called, are procedures, essentially, of how we wage war, sometimes also has to be protected. Because if it's released to the enemy, they can then develop techniques and procedures to counter ours. But what I can tell you is one of the things we're going to be required to do is create a document that we can release, unclassified as it were, unclassified findings, as well as unclassified, supported documentation. That is that will be the requirements that we will have when we are done with this investigation. But at this point, all we're doing is collecting evidence, collecting information. And the bigger the better you open our aperture and the more information you give us, more likely, we'll come to the right findings and recommendations.

(b)(6) Do you have a time frame?

IO: My deadline back to the Acting CENTCOM Commander is I need to basically de-brief him on this report on the 24th of September.

(b)(6) Sir, you were going to say something?

IO: The problem that we're grabbing with is our estimates of individuals killed in the objective range between 30 and 35. Our understanding is six that we laid eyes on were civilians, not combatants. The claims of 90, and this is after a very -- spending several hours on -- at the time in Azizabad on the objective conducting what we call site exploitation and taking a look at what happened and documenting it. We came off with that.

Days later, reports of upwards of 90, so that leaves us a delta of about 60 civilians that were killed that people that were killed, whatever -- whether they were enemy, whether they were noncombatants, still out there. And what we're trying to do is close that delta. How do we account for them having left the battlefield and not seen that. How did it happen and really answering how many civilians really were killed or hurt. And our teams went through every single building on the site from what we understand.

(b)(6) Do you want to comment on this?

UNAMA MALE WITNESS: Yeah.

(b)(6) Every single building?

UNAMA MALE WITNESS: I mean, we have a view on that because one of the things that occurred to us that was said by the military in the previous briefing that they had 24 Soldiers on the ground in the village at the time, and there were some other Soldiers outside. There was another group of Soldiers outside the village taking up some sort of defensive position around the village. Given the size of the village, 24 Soldiers -- you'd have to secure the area. You had a lot of angry, I imagine, and upset villagers in the morning when the search was supposed to be conducted. They said the villagers had been corralled into a central square in the village. And how many, if you had to secure the area, would that leave to conduct an in depth search of the village? I mean, this is one of the questions. I mean, several houses were destroyed. The other thing you've got to understand is that those houses are constructed with mud brick, sometimes 2 to 3 feet thick. On the ceiling, they had domes and in some of the houses, from the photographic evidence and from on-sight inspection, the rubble on the ground was sometimes this high.

Now it was evidence to us that a number of the bodies had been, and especially the bodies of the children, had in fact been buried because they were dusty and mangled and dirty from having been buried under rubble. So I'm just curious to know how they could've conducted an in depth search of all the houses that were destroyed, given the amount of rubble that was on the ground.

IO: They did not have time to go through the rubble. But again, was there enough rubble to conceal 60 bodies?

UNAMA MALE WITNESS: I think from the photographic evidence and the other on-sight evidence inspection, there was more than ample rubble to be covering the bodies because a lot of the victims we're talking about here in the number 62 were, in fact, children and some of them very small children. And you can see by the video and the film footage and photographic evidence of those bodies that they had actually been, as I said, covered in dust and dirt, you could see by the state of the bodies and the hair and everything that they'd been under rubble.

LA: That's what we're looking for, is the evidence.

UNAMA MALE WITNESS: Yeah.

LA: We haven't seen video to indicate that.

UNAMA MALE WITNESS: Yeah. Well, as I said, this is something, again, that, you know, we'd be willing to show. But again, it would depend on the parameters as agreed by the SRS in terms of that release of that information.

LA: Okay.

UNAMA MALE WITNESS: But I mean, there is substantial -- I mean, as I say, we cross-referenced all the interviews of all the villagers and relatives and people. I mean, in some houses, the whole family was wiped out. You're relying on neighbors to account for the names of individuals. Your -- and of course, all those were cross references with other villagers and other neighbors to ensure that they all had the same idea. But you're also talking about social -- you know, very peculiar social structures. I mean, you're dealing with a place where in one compound, you might have three married brothers. They could all have up to two, three, sometimes four, wives and they could have 20 children between them. And at night, what tends to happen is, you'll find all the women and the young children sleeping together all in one room. So potentially, if a device goes that destroys the house, well, the house collapses on -- potentially, there could be a large number of women and children and victims, just from that one incident.

IO: That is what we need to get to.

UNAMA MALE WITNESS: Yeah.

IO: And you put the point on it, (b)(6) right off the top, with who died where and how? And that's what ---

(b)(6) That's what we've been looking at.

UNAMA MALE WITNESS: Yeah.

(b)(6) Sir, you've mentioned that you have met with the Human Rights Commission, Afghanistan Human Rights Commission? You've got video footage from them?

LA: We have some.

(b)(6) I would imagine that's somewhat similar to what we have. We haven't seen their stuff.

UNAMA MALE WITNESS: I'm not sure of their sources. There was a number of videos around, so ---

LA: All we really have is what's been playing on the news, essentially. So if there's additional video out there -- and I mean, the one where they're walking around bodies and they're mostly all covered. But once in a while, they'll pull one back. That's all we have right now that I've seen.

UNAMA MALE WITNESS: Yeah. There's several of those around, yeah.

IO: The same information, just different links?

UNAMA MALE WITNESS: Different views, different aspects, different -- like say ---

(b)(6) Taken by different people.

UNAMA MALE WITNESS: On different times. As ---

IO: So, Our assumption is, is that from the open press, that the one that was released to General McKiernan asserted the review, if you will, why my presence being asked for, it was taken from a cell phone.

(b)(6) That's one video.

UNAMA MALE WITNESS: That ----

(b)(6) well ---

UNAMA MALE WITNESS: He was show two videos. He was shown two.

IO: So there was -- at least from your sources, there were at least two cell phone videos?

(b)(6) You can just walk us through those.

UNAMA MALE WITNESS: Yeah. I mean, there is actually 3 we actually have possession at the moment. There are other videos. We have three. And at the ----

IO: Three different videos?

UNAMA MALE WITNESS: Three different videos. At the time, we showed General McKiernan and the American Ambassador two: one, which was taken from a hand-held phone under the direction of an NGO staff member; and another one which was taken through the provincial delegation when they arrived. And they went there at the same time. So you'll find that one actually preceded the other. So what happened was the villages would tell us that they were actually uncovering bodies from the rubble and bringing them to the mosque. And that there were a number of villages who were keeping the deceased from their homes at the home sites. So there were several different sites where bodies were laid out. And one NGO staff member took a film when he arrived and that was of the bodies inside the mosque. And then you have -- delegation came and there were more bodies in the mosque and you see different shots

and different aspects. And there was also individual photographs of victims that were provided to us as well, mostly children.

IO: From the mosque setting?

UNAMA MALE WITNESS: From the mosque setting. Yeah, from the mosque setting, and they were mostly children.

IO: Okay. Well, what I'd like to do is, if you're good, continue on a line, if you will, of questions that we certainly have and you respond as necessary with regard to if, again, if we need to work the terms of reference for you to respond. If you're comfortable with that, we can leave it at that. If you're comfortable in responding to this to kind of clarify some of this from your perspective. That's what we're looking for. So, if I could, let me be direct.

UNAMA MALE WITNESS: Uh hm.

☐ (b)(6) Sure.

IO: From your investigation, how many folks do you believe were killed in Azizabad on the 21st/22nd of August?

UNAMA MALE WITNESS: We would say upwards of 92.

IO: Okay. Do you have a -- any breakdown of women versus children versus combatants?

UNAMA MALE WITNESS: Yeah.

IO: What might that be?

UNAMA MALE WITNESS: Uh, 62 children, 15 women and 15 men. We class as a child anyone under the age of 18.

IO: Okay. Did your investigation determine what -- what was the source of their death?

UNAMA MALE WITNESS: No. I mean, we don't have that forensic capacity. We -- and this is the point to do that. I mean, it would require explanations of all the bodies and a proper in depth forensic analysis of each body. The vast majority of them looked like, from visual inspection and from what an independent NGO health worker said, a lot of them looked like they had either been killed from falling masonry from houses or from glass, but it's too hard to know because as I said, some of the bodies were actually disfigured as a result of either being buried or in the initial device that destroyed the house. We wouldn't be able to determine that.

☐ (b)(6) The vast majority ---

UNAMA MALE WITNESS: The vast majority ---

(b)(6) --- was from collapsing houses.

UNAMA MALE WITNESS: Yes. Yeah, yeah.

LA: Sir, if I can go back to one question?

IO: Yeah.

LA: You -- we -- the General had asked about combatants. Were you able to determine who was a combatant and who was a noncombatant at that point because I assume probably weapons and everything else had been removed and they were probably laying, so there was probably no way to differentiate?

UNAMA MALE WITNESS: Well, the interesting -- there was an interesting point about that. An interesting point to ask was that there were -- at the FAB, when they put some stuff they had seized from the village on display, which was taken in some of the video tape and by other witnesses who went there, they said they only saw around 14 guns, like AK-47s and things -- like 14. And some of those were actually registered. They were registered government weapons because a number of men who worked in the village worked for security companies who provided security to Shindad Basin to a local demining organization. Unusual to us because you know Taliban don't tend to or [unintelligible] don't tend to register their weapons. I mean that was -- that was a point. And there was a low number of weapons seized. So this was also something that was raised in our minds just when we were looking at what the military was saying initially, was that they had such a large number of AGEs. Where were their weapons? If this is what the military -- this is all the military managed to seize from the sight, it doesn't mean that every one of their numbers that they say were AGEs were in fact armed because they also obviously seized the weapons that were available. But this was a question.

But this is something that we really don't go into because at the end of the day, we have bodies and the villagers are all saying by their evidence and the evidence of eye witnesses and relatives in other villages, that these people were villagers. So that's the basis on which we make a determination of the evidence of the evidence as to whether or not we can decide. So unless someone has actually died obviously in combat with a gun their hand and that can be somehow sourced to information and evidence, then we don't draw those conclusions.

LA: Okay.

IO: Next, you obviously have this so at least for the tape, do you have a list of the 92 folks whom you believe were killed?

UNAMA MALE WITNESS: Yes, we do. Yeah. Yeah. And that list we have lists coming to us from several places. We have them come from the provincial government delegation, from the central government delegation, but also from the villages on the ground. So we were very careful and we went back to re-check names on these lists to make sure they accorded to what was being put to the government and to the provincial and central government to cross reference back with the villagers to make sure that this and the names and the rough ages and genders

actually accorded. I mean, sometimes you're dealing with a problem because in the social structures, it's a [unintelligible] area. I don't know whether you know much about [unintelligible] social structure, but women tend to live fairly secluded so you might find that neighbors know that so and so has got three wives, but he may not know their names. I know that sounds a bit peculiar to us but their women do live in a certain amount of seclusion. They don't tend to mix very much. Some of the women may know the names of other women. But sometimes we don't have access to those women because I'm a man first off, so there's no way a [unintelligible] is going to allow me to interview his wife.

Similarly, you have a large numbers of children. Neighbors, even if they're living in close proximity, may know that there's 15 children, but they wouldn't know their names. So, as I say, we were systematically going around interviewing and cross-referencing and cross-interviewing different villagers, eye witnesses, neighbors, etcetera, to try to accord these lists.

(b)(6) And of course, people had been invited in for a ceremony.

UNAMA MALE WITNESS: That's right. Yeah. And people had been invited in from neighboring villages to this commemoration ceremony that was supposedly being held between the 21st and 22nd of August. And you know, we had information supporting that there was a commemoration service happening in the village. Invitations, wreaths, photos, banqueting material, cooking utensils, large numbers of pots of food, etcetera, etcetera, etcetera. And the villagers were always consistent to us in terms of who they say came from the village and died in which houses and those from outside. And of course, some of the outside people who died were taken by their relatives from the village and taken back to their villages and buried there. But the villagers were able to accord consistently to us houses, places, names, genders, and ages of people who died in those particular houses who were from those houses and where they were exactly buried in the villages.

There was three separate cemeteries and they are buried according to tribe because even though they are predominately Pashtun, there are individual tribes and they each have their own little burial place. You know, it's a bit like in, you know, Catholic and non-Catholic and cemeteries -- you know, they like to be buried in different places. It's a bit like that. And they weren't cross-buried.

They were also consistent about the numbers that were buried in graves because some of the graves, they insisted, had two children in double burials because the children were either small and they came from the same family so they buried them together or their bodies were a little bit messed up. So -- and of course, the tradition here is -- in terms of identifying cause of death, the only way to do it would be to do exhumations and forensics because the culture here is to bury them before sundown on the day. So the dead must be buried by sundown on the day that they've died. They don't leave bodies hanging around and that's probably for cultural reasons, it's very hot and you wouldn't leave bodies in a state of decomposition lying around very long.

(b)(6) However, when we did go back later, we also found, still, body parts.

UNAMA MALE WITNESS: That's right. Yeah. On the last visit that we went to, one of the houses, the smell, and just by shifting in the rubble, you could see body parts: fingers, teeth, straps of hair and stuff that was still buried under the rubble. And the villagers, each time, showed us like, for example, a pillow with body parts on it and a head, pieces of legs. I mean, just body parts.

But as I say, we're not forensic experts. We couldn't tell you how a body came into that state but it looks like either from the falling masonry had mangled the bodies or they'd been killed in some sort of blast or something. As I say, we're not experienced in that. We wouldn't be able to tell you.

IO: What's the ground look like right now, as far as the village? Have they been shifting rubble?

(b)(6) What ----

IO: The ground. I mean ---

(b)(6) Oh, the ground, right.

UNAMA MALE WITNESS: Yes. The practice is, and I mean, unless the family was totally killed, I mean, completed ---

(b)(6) Wiped out.

UNAMA MALE WITNESS: --- wiped out, they start reconstructing almost right away. You'll find they'll be clearing rubble and they clear rubble extensively to find bodies. There are still some houses with sizable piles of rubble in them. And whether the initial pause or secondary pause -- do you know what I mean by secondary pause, where they've actually moved the rubble to find the bodies and they've moved the piles ---

IO: Empty house?

UNAMA MALE WITNESS: Yeah. That is, I say, from our visits, the rubble in some places was at, I don't know how -- whether you speak in feet or meters, but some of it was like a meter or more deep on the ground in the houses and you walk into a house and the entire room would be full of -- the entire roof which as I said could be a domed ---

(b)(6) You also -- a lot of these mud houses have domed roofs which goes with the climate in the winter.

UNAMA MALE WITNESS: So 2 to 3 feet thick. And so you'll find that the pile of rubbles in the rooms can be substantial. So as I say, it seems that the consistent reports from the villagers, they were consistently going through and sifting the rubble. Now, this is why the death toll changed from the first day to the second day because more bodies were being brought in.

(b)(6) Right. Because almost a week later, when the journalist found ---

UNAMA MALE WITNESS: That's right. And a week later, we had -- there was an American journalist who happened to be there who identified another body from the smell.

IO: Which journalists?

(b)(6) Carlotta Gall from the New York Times.

IO: Carlotta

UNAMA MALE WITNESS: Yeah. Yeah. So they you know, even then and that was from a house where the entire family had died. So once they thought they had found all the victims, there was actually no one pushing to keep clearing the house. So that would probably explain why they didn't discover the body of that child in that incident. And of course the ultimate figure changed to 92 from 90 because of the subsequent death of a child who had been taken to the Provincial Hospital in Heart.

IO: This is the 5-year old child?

UNAMA MALE WITNESS: Yeah, and the discovery of the girl by the American journalist.

IO: The 20-year old?

UNAMA MALE WITNESS: Yeah, yeah. And there's also supposedly an individual who has been very severely wounded and they're saying that she may well die as well, so she's receiving medical treatment somewhere.

But the initial reports were from around 63. And during the day, that number started to rise as more bodies were uncovered. And most of the bodies -- we thought all the bodies had been accounted for by the evening of the 23rd when they were continuing to sift through rubble. But as I say, you'll find that a lot of the villagers who still live in those houses, they've already started to ---

(b)(6) Reconstruct ---

UNAMA MALE WITNESS: --- reconstruct.

(b)(6) --- because winter's coming.

UNAMA MALE WITNESS: Yeah.

(b)(6) Do you work in Afghanistan? You're based here?

IO: I was. I was last year, yeah.

(b)(6) Okay. So you know that we have these very hot summers and then we go into these very deep cold winters.

IO: Yeah, and the structures, you gotta take care of very quickly.

(b)(6) Yeah.

IO: Otherwise you're family will perish.

LA: Are you in possession of either video or still photos that show bodies being cleared from this rubble?

UNAMA MALE WITNESS: No. No.

LA: So fundamentally, you just have them

UNAMA MALE WITNESS: That's right. And I'll say, there were several different points where they were exhumed to -- some of the villages, one of them kept at the house. One man, for example, told us that -- who claimed that 16 of his family members had died; that the villagers were helping him sift through rubble and they were taking his members, some of the ---

(b)(6) To the mosque.

UNAMA MALE WITNESS: --- members to the mosque and he got upset because he wanted them to be kept at the house. So he said that there were five of them at the mosque and 11 of them still laid out at his house. And that was actually seen by NGO workers and also by the provincial government when they came as well as saw the bodies in both those places.

So as I say, there was a way for us to patch together how the statistics had increased, who had seen what where, and then the villagers' own individual accounts which all accorded to where the bodies were taken, where they were found, where they were brought to, how they were buried, and where they were buried, etcetera.

IO: From your explanation of the 63 growing to 92, other than the two females that were discovered injured on the -- in the village, is there -- from your investigation, is there any follow on medical care description of anybody coming out from the village in need of medical care that wasn't deceased?

UNAMA MALE WITNESS: Yeah. Yeah. There was -- this was also interesting because -- and this is something that we examined as well because it was interesting to us why it appeared to be so few wounded in terms of this and what it seems to be -- the destruction was so localized that it seemed to kill the people who were immediately in the house and other people seemed to receive minor injury. So we had about nine individuals who presented themselves to ---

IO: Nine?

UNAMA MALE WITNESS: Nine who presented themselves to Shindad local hospital and they had minor injuries except for there was one woman who was more severely injured, another including the woman and child who were medivac'd to the PIT hospital.

We also received reports from other villages that family members had gone to other villages because there are health clinics in other places to receive minor medical treatment; some bandages, or you know, cuts and abrasions and that type of thing. So there were nine who went to Shindand Hospital and were subsequently released either on that day or the very next day. We interviewed a lot of those individuals and took photographs of their wounds and their treatment to show that they'd been treated and stuff like that.

LA: So I'm clear, above the nine, you estimate how many went to other villages for care?

UNAMA MALE WITNESS: That's ---

(b)(6) We don't know. We've picked up -- people have come back asking us did we know about them.

UNAMA MALE WITNESS: Yeah, yeah.

(b)(6) And we had asked how did they get out of the village and we understand it was local transport. We also understand like they did -- you know, through cell phones they said they tried to get medical help from outside.

UNAMA MALE WITNESS: Yeah.

IO: Okay. So at least the two that were injured, that we're aware of, you're indicating nine plus maybe a fraction more?

UNAMA MALE WITNESS: Could be. But we wouldn't know.

(b)(6) Yeah. We haven't tracked that down.

UNAMA MALE WITNESS: We can't really estimate. We haven't been able to track it down. And you gotta understand also within the cultural, there are some instances where family won't have medical treatment. It just depends on how strict they are. You know what I mean? Some won't let their wives go to a place where a male doctor might look at them, you know. So you do sometimes, unfortunately, have that situation where wounded people are kept at home because of the social structure. So we would never know. We would never know.

IO: Okay. What else you got?

LA: I just am ready to work on this terms of reference and whatever else we need to wrap up. Again, I stress the fact that we're -- since we're from an outside command, we're kind of subject to everybody's whim in a sense as to what they're willing to provide us. But, of course, our findings and recommendations will be governed by what you can share.

(b)(6) Sure.

IO: Yeah and to the degree that we can work it out, that's really my desire. Again, I'm looking for evidence to basically find the facts and the truth with regards to this incident. That's my objective.

UNAMA MALE WITNESS: Yeah.

IO: Before we go, I just want to pose one more topic. Did your investigation -- you had mentioned earlier that there was a degree of security contractors, the Shindad Airport

UNAMA MALE WITNESS: They had -- it was an NGA demining operation that employed them.

IO: Did your investigation determine whether, again, and the total you describe is 93 total that were dead in the town, what portions of those, again, were of contractors.

UNAMA MALE WITNESS: No. No. We interviewed a number of people who -- four of the men who'd been arrested -- I think five ---

(b)(6) Five were arrested and four were released.

UNAMA MALE WITNESS: Four were released. Two of them were Afghan National Police Officers and the other two belonged to the security company. They had all their identification and the certificates where they'd been trained through the JSSP. They had been trained there and two of them were working. One of the survivors -- this guy apparently who -- one of the big houses, one of the number one houses which was under the focus belonged to Reza, who was actually the, sort of, grand leader

(b)(6) Leader

UNAMA MALE WITNESS: Yeah, of this security company

(b)(6) Team leader.

UNAMA MALE WITNESS: Yeah, and so he had a number of employees and there were other employees in the village because someone told us soon after that a large number of them had been laid off subsequently. They had lost their contract, obviously. They had lost their contracts. And so there was a number of them [unintelligible] official registration passes as being registered security guards.

I mean, what I referred to about the weapons was interesting because a number of them under in order to have their contracts contracted with a weapon, and the weapon has to be registered. So a number of the weapons, it seems that were seized were also registered weapons which were from other members of the security guard company or they came from the Afghan National Police

within the village, which is to say was an interesting point to us in terms of how many were alleged to be AGEs was so few weapons. I mean, the weaponry itself didn't strike us as extraordinary because as you know, in every village, you sometimes see far more than a number of AK-47s, rocket launchers, and everything. But I didn't see any of that. I mean, I don't know whether that was classified or not it was only what was on display but that's all that was on display. It seemed to be very limited in comparison to ---

(b)(6) A regular village.

UNAMA MALE WITNESS: Yeah. Yeah.

IO: The last, at least for me, is just a clarification with regard to UNAMA and how your process works Did you release what I will call press statements?

(b)(6) Yeah.

IO: Okay.

(b)(6) Unusually, a press statement was issued on the 26th of August.

IO: Okay.

UNAMA MALE WITNESS: Yeah. And that ----

(b)(6) By the SRSG, (b)(6)

LA: Did you say unusually?

(b)(6) Yes. It's very rare that the United Nations has spoken out. But remember, reasons form us is it takes us time. It's like the wedding party incident, the 6th of July, and there was a lot of initial report. But for us to get close to there and get a good understanding of it, of course, then it was two days before that air strike incident on the 4th of July and then on the 7th, there was the Indian Embassy suicide attack. That partly explains it.

But it takes us time to get to understand what has happened. And by then, it's not news-worthy. Here, the United Nations spoke out, given this pattern that we have observed and witnessed, given the level of deaths that we had understood to have occurred.

UNAMA MALE WITNESS: Based on the information that we had at the time.

LA: Have you released any other press releases, if you will, after the 26th?

(b)(6) No, but it comes up all the time. The High Commission for Human Rights issued a press release -- what day is today?

UNAMA MALE WITNESS: This is the 18th, today, so ---

(b)(6) Tuesday.

UNAMA MALE WITNESS: Tuesday, yeah.

LA: On this subject?

UNAMA MALE WITNESS: The High Commission

(b)(6) No, no. On civilian deaths in Afghanistan.

UNAMA MALE WITNESS: On civilian deaths.

LA: Okay.

UNAMA MALE WITNESS: In terms of our methodology, we're very cautious and conservative and in fact a lot of people in the NGA community and humanitarian office often accuse us of under-reporting civilian casualties.

(b)(6) And being slow.

UNAMA MALE WITNESS: And being slow and not reacting and not actually you know responding publicly to such things. But that's because we are conservative and we are cautious and we like to make sure that we have the best facts before we make a determination.

(b)(6) And of course what we've seen, of course, and you're aware of this is that the level of incidences have gone up. I've mentioned a few, that also in Kapisa, near Kabul there was a number of incidents. What month is this?

UNAMA MALE WITNESS: This is August

(b)(6) July and August. It also took us time to unravel, to get a better handle on it.

UNAMA MALE WITNESS: Yeah, and of course, each incident we investigate, as we're required to do by mandate, we -- depending on the findings we make will often depend on the amount of access that we have as well and the quality of information available. In this particular incident, we had excellent access and excellent capacity to be able to and do on ground investigations. In other places, that might be necessarily the case. So of course that also will be reflected in terms of our findings on those issues. And we follow also cover who the ----

(b)(6) alleged purpitrator

UNAMA MALE WITNESS: All the -- yeah. And one thing that has concerned us is it seems to be the significant proportion of deaths attributed to international forces seems to arise from air strikes and we've seen an increasing number of civilian casualties arising directly from air strikes which is of concern to everybody I think, not just to the United Nations, but to yourselves.

But at the same time, we should put that into the context that the numbers of deaths from AGE activity has also sharply increased this year and a vast number of those arise from indiscriminative targeting.

(b)(6) Indiscriminative events.

UNAMA MALE WITNESS: Indiscriminative events, yeah, which you'd be aware of as well, I imagine.

IO: Unfortunately, we are. Okay. Again, I thank you for your time.

UNAMA MALE WITNESS: Thank you.

IO: You, again, have our commitment with working with you, regard to some TOR's make available to us; information from your investigation that will be very beneficial.

UNAMA MALE WITNESS: Yeah. Yeah.

LA: I can stay here for a minute, sir, and discuss how -- the follow on.

UNAMA MALE WITNESS: Sure. Sure.

IO: And then follow-up mtg

LA: Yes, sir. Yes, sir. All right.

END OF INTERVIEW

Encl 20

VERBATIM STATEMENT

OF

IAHRC

on

18 Sep 08

PERSONS PRESENT:

BG MIKE CALLAN, Investigating Officer (IO)

(b)(3)130b, (b)(6)

Legal Advisor (LA)

IO: ...to digitally record this discussion so in fact when we go back and, if you will, after we've collected all the evidence, and I'll briefly explain my mission.

WIT: Sure.

IO: We'll be able to reference this with regard to exactly what was said, who said it, what the references were, and so we have, if you will, three or four different accounts. But this will be the key, the Bible, the Karan, if you will, of what is discussed.

WIT: Yeah.

IO: Do you want to start out with some precursory comments before I get into why we are here?

LA: Yes, sir.

IO: Okay.

LA: With regard to the recording, as just mentioned, that's just so we can properly document what's discussed here and capture accurately what was said. Hopefully, you have no objection to it, and you've already indicated no, so thank you.

WIT: Yes, sir.

IO: Sir, again, I have been appointed by the Acting Central Command Commander, Lieutenant General Dempsey, at the request of the ISAF Commander, General McKiernan, to be the investigating officer, along with two assigned Central Command officers, to come to Afghanistan and investigate the incident that occurred on the 21st and 22nd of August in Azizabad.

My objective here is, as you're probably aware, the United States military has already conducted an investigation and it was, more or less, accepted by the ISAF Commander. He was then made aware, after the investigation closed, of "new evidence" and therefore suggested, then asked

CENTCOM for their concurrence to assign a General Officer to be the investigating officer. So that's why I'm here. I live in Germany. You have a very beautiful country here, but I didn't expect to be here to be quite candid. And I'm sure I speak for both team members as well. But that's our mission and that's exactly why we're here.

Let me focus in, again, the mission is, I'm looking specifically at new information that has been brought to light after the US military investigation was complete that makes, if you will, an impact on findings which is fundamentally a discrepancy between the US military investigation which determined approximately 30 to 35 folks were killed on the objective during the incident in Azizabad. And the claims from various sources, to include the UN, as well as yourselves, as well as the Afghan government, they claim something anywhere -- 90, plus or minus a little bit. So there's a discrepancy there and what I'm asking is -- my mission is to gather that evidence and see if, in fact, the outcome that the military reached in the initial investigation is confirmed as faulty and if so, make findings and recommendations based upon the evidence that we discover during this visit and speaking to all the affected parties and then fundamentally report my findings back to the Acting CENTCOM Commander.

WIT: Great. Thank you very much. We, first, stated when General McKiernan announced a new investigation that we very much welcomed that. It will send a very positive message to the public opinion as well and we've seen the change in the public opinion after that launch of the new investigation or asking and calling for a new investigation.

We have had a meeting at Bagram with some of the colleagues in Bagram, Central East Regional Command. We did provide some video clips to them that was available, as I'm sure have been provided to you. We would be very much happy to provide whatever we can do and we'll brief you on what we saw.

IO: Great.

WIT: This is scale of the site that we -- our staff has collected it. The area that was affected by the bomb. I'm sure you have satellite image of that or something, but this is what the team has staged on the sight. The area which was affected is spotted there.

This is a list of names of those people who were killed in the incident. We tried to start listing identity and the age and tried to identify where they lived; were they a resident of that specific village that they were killed or they came from other villages. And I thought this would be, as well, helpful for your investigation as well.

At the end of this list, you will find another list of locations. Unfortunately, we don't have the GPS of these location, but we have the names of the areas where the bodies and how many bodies were buried, number of graves, and the grave yards. They're not buried in one location. They are at least nine locations and each of that we have come with the numbers where they are buried and how many of them. We could not find -- one -- there's one grave that is missing from the total number that we found that we kept. We have 91 people killed, but the number of people who were buried with a different grave sights that we checked in terms of if they were fresh

graves and if it's related and tried to check with the list and conduct interviews. So one grave is missing. We are still working but maybe it's....

IO: Just one?

WIT: Just one.

IO: So you have found 90...

WIT: Ninety

IO:Graves.

WIT:Graves in different-- in at least nine different locations. That would be, as well, something of help.

LA: These are our copies?

WIT: Yeah, these are copies for you.

LA: Okay.

WIT: This is a copy of which is a very rough draft of what our team put together. It is in the local language. I will not be able to share this now with you, but as soon as we are finishing our factual analysis of the incident, we will definitely share a copy in advance, very advance of what -- the time that we're going to launch it. This would be part of a broader report, a combination of two reports; that is, anti-government elements, a specific report about anti-government elements and their operations and how that affected civilians and the number of civilians, their behavior and the way they affect civilians; their operations.

Another part of this report will be looking to the IMF and the government operations and how that affects civilians and this report would be case study into that report, along with a number of others. We are planning on 15 October to release that report. Hopefully, by then, we will have done all the factual analysis and legal analysis, but as soon as we are done with this report, we will be happy to share a copy with you in advance.

That's just for you to have some -- look on some of the pictures that are attached here. Some of these pictures belonged to the --- should be provided to you, the team provided to Central East Regional Command, ---, some of the videos belonged to the [unintelligible] before the event, weeks before, or a week before the event. It's a meeting between the people who are largely affected by the incident and the Armor Group company that provides security of the airport and, as well, conducts demining of Shindad Air Base side.

They had meetings that were regular visits from those. The community provided this as a claim that we were always having them over and having meetings. The part from what we have, if

there's specific questions, we would be happy to address. Otherwise, a quick overview, we will be able to provide you a quick overview of what we have seen on this side.

IO: I think I'll take you up on that. If you'd like to give us an overview of your investigation, what your commission has determined, we'd love to hear that and maybe kick off questions when you're finished.

WIT: Sure. What I will do start with my colleague who was -- we spent two days on the site. He would fill in some of the gaps or some of the specifics. Our current interviews, statements, and testimonies and the evidence that was collected, the evidence needs to be factually analyzed, but based on their testimonies and the initial evidence, the incident started at 8. The fighting started at 8; 2 p.m., but initial contact was at 6. Initial contact was at the six but it was not major fighting. At 2 a.m., the fighting -- the actual fighting started. It lasted between 20 to 30 minutes.

The compound that's largely affected was mainly the place where the fight was occurring. According to a large number of interviews we conducted with the ANA people, and that's a team of commando; a couple of commando officers of the Afghan forces, they have confirmed that they didn't -- the whole actual fighting did not continue more than 30 minutes; between -- it ended between 20 to 30 minutes.

The first -- the front line was carried out by the US forces. The ANA was following them. According to the ANA people, there was no -- they did not see -- once the fighting had stopped, they did not see a reason for calling an air strike. Then the air strike continued. It started -- the air strike sometime close to 3 a.m. The air strike continued for a long time until 8 a.m. Both the villages that we interviewed and the ANA commando people, they saw that -- they both confirmed that the air strike started once the actual fighting in the village stopped and afterward, this air strike started.

Around 13 compound houses were destroyed. After, our staff walked around and found 13 houses was destroyed, some of them fully destroyed. According to the list that we have gathered, tried to interview not only the methodology we have, we don't rely only on the victims family, the person who says is a victim because mostly either the victim is emotionally very -- is very emotional in giving us exaggerated figures or --- does not provide very accurate information. So we have to go and interview a large number of different [unintelligible], like the elders, like edlers, like the doctors, any key individuals. All of these interviews on different occasions gave us names with their identity and pointed as to their houses and the compound they belonged to. According to that, we end up with 91 people killed including a large number of women and children, then making sure that these women and children explained -- really belonged to this village. We had to then carry further investigation relying on those video clips, checking some of the names with the graveyard, with the family, with other people, if they really confirmed that this person was a kid and was living here, and collected some pictures that these people were living before. Like a picture of when they were alive and having then comparing them. Not from everybody, but some pictures that we have been able to collect from that.

What we found with a large number of women and kids, the rest of the 16 or 15?

UNIDENTIFIED VOICE: Fifteen.

WIT: Fifteen, male elders and adults. That, we still work on to find if they were actual combatants; if they were Taliban insurgents. The background of this incident provides us less evidence to say that they were Taliban. But because they were armed and they engaged in fighting, they become an active combatant. Their link to the Taliban need to be established.

There are evidence that these people -- ID cards that we captured and pictures of those, these ID cards indicate that they were working with the Armor Group. A list that we have gathered, find out that according to that list, people who were armed were authorized by Armor Group group to carry out the weapons. They were working as part of the security company. For us, it was a strange thing because a security company must be authorized by the Ministry of Interior. A specific department within the Ministry of Interior would register the private security company and then would authorize them to carry their own gun. But this was a list that was provided by them and signed that they are authorized to carry their own guns by the [unintelligible] group.

The district governor did confirm the same thing, saying that they were authorized to carry their own gun because he -- they were part of a private security company working with the -- group and was engaged in the demining.

Most of the community and the statements we found, they were very much in favor of not letting anybody else, a stranger coming into their village because they saw -- they were engaged in a lot of activities that financially and economically was beneficial to them and these activities were closely related with their work at the air base, with their work as a private company, and those issues was as well a part of information that needs to be developed further and to be verified further. If these people were all engaged in sort of activities into the air base and have financial benefits from what they were doing there, as they were saying, they were not allowing anybody else to enter into the village.

But then coming to the background of the incident, what we have found a rivalry between the two families within the same tribe. The people who were residents in this place are [unintelligible]. The elder who was killed in that incident, called Reza Kahn

IO: Reza?

WIT: Yeah. His brother's name is Timor and he was killed months ago; 9 months ago. Timor was a partner with another person who is part of the -- who runs another security company, his partner or some contractor with the -- sub-contractor with the Armor group. These two business partners have splitted up. They had some disagreement. Then Timor and another was rival to each other. Timor was killed by another 9 months ago while (b)(6) was still continuing being working with the [unintelligible] group as a private company. He had some disagreement with Reza as well because Reza was seeking revenge from (b)(6)

And most of the villagers believe that [unintelligible] has provided false information and that there were a big number Taliban because there was big pots of cooking pots were there. There was -- they were expecting -- according to the villagers, they were expecting, the next day, a

funeral, like a ceremony that commemorates Tamor's death. It's the religious part, a [unintelligible] time of providing foods, distributing food, and reading Karan. And we have pictures and video clips of those big cooking pots as well at the yard that indicates that there was a ceremony that was called.

They said they sent invitation cards, formal invitation card, to people. We're trying to gather copies of those invitation cards to confirm that these pots -- these big pots were not for -- if it was not for other people that was brought into the village or it was solely for the purpose of that ceremony that they are claiming to be. We're still working on that. If we gather that, obvious, we'd be happy to share copies of those.

Additional information to this background is that these two people, Reza and (b)(6), both were sub-commanders of ??? ; a former warlord and commander joined the government in support of the central gathernment that was killed in the conflict; the rivalries between ??? and ??? His son is still rallying his group in Zelco which is -- it's spotted somewhere here. It's wrote down there. This area is known to be Islamimy base for a long time. ??? was a commander to [unintelligible] and once he died -- he was supportive of the government before he died. He was -- once the new government came in, he was supportive of the new government but then had problems with --- and then he was killed a couple of years ago.

His son, Reza, is in charge of his group in that area. He has good relation with the government but he does not have good relation - he does not have good relation with Reza and (b)(6) because Reza and Reza were sub-commanders of his father and they did not want it anymore to follow. His son, they wanted to be engaged in their own businesses as they were having good time in getting contracts at the air base and getting contracts of demining in these other stuffs.

That was just as a background information. That was given in different interviews and different testimonies of statement and throughout this where we have talked to different people group of people; not only victims but elders, teachers, doctors, and as well with the government of [unintelligible] as well, with the provincial council, member of the district governor

So I ■ that was a very brief list -- and my colleague may be adding to it.

UNIDENTIFIED VOICE: He said everything.

IO: He said everything [laughing]. Congratulations.

WIT: Thank you.

IO: Okay. Well, thank you for that.

WIT: OK

IO: If we could, again, the team of -- the three of us, plus our two assistants, if you will, has been together for just over a week and we fundamentally have a grasp of the first military investigation so if it will be okay, we'd like to kind of ask you some direct questions.

WIT: Sure.

IO: To get more information to, again, help us collect, if you will, new information that came to bare after the military initial investigation was completed.

The first is, can you explain the commission and when you were, if you will, asked to investigate this incident?

WIT: Yeah. The commission is part of a regular mandate of the commission. We would not be asked by the President or anybody else. Whenever an incident would happen, automatically, we are responsible to carry on that investigation as we do to all the investigations. We have regional offices. In this case, Air Regional Office. According to our protocol, whenever there is an incident, immediately, once we understand that there was a claim of a high number of civilians killed, our regional office is responsible to deploy a team if not to decide but closer to decide that can check the wounded people, interview them and gather as much -- a very preliminary information as they can. Based on that, we stay -- they were there on Saturday. The incident happened on 22nd, which was Friday, 22nd of August. They were -- our regional team was there on Saturday, the 23rd. They conducted interviews in Shindad District which is not the village itself. They were not able to travel to the site immediately.

Based on their one day trip and interviews, we had decided in Kabul, then we have in Kabul special investigation team of five people who are trained on international humanitarian law and all other scales of investigation into these incidents. In Kabul --- consultant we brought in from outside and by -- and they were sent to Netherlands and island, another island to receive courses and training on how to carry on such a complex, high security area of investigation. Then they are -- we deploy a team from Kabul; two people from Kabul was deployed on two days, on the Sunday the 24th. They spent half a day in Herat talking with our colleagues in Herat. Then on the 25th, on Monday, the 25th, they were in Azizabad village and carried on two days of investigation and they spent two days there.

IO: Okay. So I'm clear, sir, your commission has generated, what I will call, some obviously collecting evidence but your -- you haven't published a final report and will not do so until the 15th of October?

WIT: Yeah.

IO: Okay. Have you released any press releases....

WIT: Yes, we did.

IO: As a result of your information?

WIT: Yeah. Based on our very preliminary finding which was Saturday's information, we did release statement which is available on our website. We did -- based on that information, we said 78 people killed. We did not say if they were civilians or not. We just said "villagers and

people killed." We did say in that press statement, further -- that we deployed a team for further investigation to the claims of a high number of civilians killed. We did not give a very firm number of the exact civilians killed as the government had said because we are -- now we are -- we have learned a lot in the last few years, that in some incidents where there are very exaggerated claims. We go down there. We do investigations. We found that well, that was not the case like we did last year in the same area, in the Shindad District, Zevco. The media took it very serious and it was like 88 civilians killed, it was reported.

IO: Right.

WIT: We conducted an investigation. We found not that number. And we found not disproportionate, the reaction and the response. I would be happy to share a copy with you of that report as well.

IO: Please. That was a final report from your investigation?

WIT: Yeah. It was for the last year.

IO: Great. Okay. Yes, please.

WIT: Other incidents as well, sometimes the civilians are killed high and it was either not reported or reported differently. Once we did investigation, we came out with different information. There was some information from the NATO, from ISAF people, we had meetings and they thought in this incident, there was a staged communication campaign by the anti-government elements. However, we did not come to any information to give us an indication that if there was such a staged modification of information for --- of the Taliban are very cleverly and sophisticatedly are doing. But we did find another incident in Lockman following this incident, there was two -- before this incident, there were two other incidents, one in and one in Lockman where there was reports of high number of civilian casualties. We did investigate that one. There, we found a staged campaign by the anti-government elements who trying to modify information, who threatened the members of the community or in some cases, they've paid some individuals to give exaggerated number and modified information and claimed that there were no Taliban.

So that -- we are very much cautious in terms of when we do investigation to look to all sides and the possibility of any staged process.

IO: Sir, even though you are at the interim stage now with your final report coming out in October, what is your belief now, in terms of how many folks were killed in the Azizabad incident?

WIT: Looking to what we have now, we think that -- yeah, like 91.

IO: And do you have an investigative opinion with regard to -- has your investigation determined the breakdown between women civilians and government elements?

WIT: That we have come -- on the anti-government elements, we believe that 16 people which are adult males....

UNIDENTIFIED VOICE: Fifteen.

WIT: Fifteen? Fifteen adult males, that we have to still find out if they were -- we do know some of them were engaged in the fight. But to verify if they were Taliban or not is something different. We tried to look to each physical evidence that may remain on the side to give us an indication that the level of fire that was coming out of these compounds was large and if it was large and it was heavy or not. We looked to each bullet sign it makes as to if any of the walls, any of the doors, that that may give us an indication that bullets were shot at from these compound outwards. And at the same time, we look to the ammunition. We take pictures of those if possible, collect them. We do believe that there was fighting. We do believe that people from these compounds that open fire, but we are not sure if they were anti-government elements. And we are not yet in the stage to conclude that they were or the reason that why they engaged in the fighting and the total number of those people who were engaged in the fighting; if all of the 15 or some of them, that's something that needs to be clarified later.

IO: Has your investigation determined how these alleged 91 folks who were killed during the incident, how they died?

UNIDENTIFIED VOICE: Yeah, actually, based on our interviews with others and with the effected individuals and government officials, they were killed -- most of them were killed during the air strike. And the -- Mr. Reza Han was injured in that air strike and his son was claiming that his father was killed by a bullet shot after--when the ground troops entered their house, he was alive and then somebody -- he says that this person is -- and they're of the anti-government and they shot him.

IO: So I'm clear, "they"? Commandos? US Forces? Who?

UNIDENTIFIED VOICE: Yeah. Based on the interviews that I did, they were saying that the international forces were US Special Forces.

IO: So the allegation is this incident, where the gentleman was killed by a bullet, the allegation is it was done by a US force?

UNIDENTIFIED VOICE: Yeah. Actually, the -- his son was claiming this, that, yeah, he was shot by the Special Forces.

IO: Okay. Upon entering the building?

UNIDENTIFIED VOICE: Yeah.

IO: Okay.

WIT: This is this person. The pictures and the videos show mostly there are signs of shrapnel. And that some of them -- some of the interviews says people were in there dead, what you call, rebels of that -- the house -- once the house was bombed and it was destroyed, they've -- they lost their life. But in some cases, there are clear signs of explosive and shrapnel of those explosive that took some parts of their body and the result of their killing.

IO: Were there many killed just with bullets?

UNIDENTIFIED VOICE: Actually, I interviewed a doctor, who after the air strike, in the morning, he went to the site for providing some assistance to the injured people. He said that while he was there for 2 hours, he didn't see any injured because he was there at 12 o'clock, 12 p.m. So maybe if there was some injured, they were taken to the hospital. And he said that all those bodies that he had seen at that time, they were not shot by the bullet. They were caused by the air strike and by the explosion that exploded, the smaller pieces of the explosion.

IO: What age do you discriminate between adult male and adolescent?

WIT: Eighteen.

IO: Eighteen?

WIT: Yeah.

IO: Did your investigation produce any either video or photographs of the villagers recovering deceased bodies from rubble?

WIT: No because they were -- they did develop -- they did took taped videos but this was -- all the bodies were all already taken out and they were buried because we arrived on the third day of the incident.

IO: We have been told there are several videos. Did you investigation determine how many videos, that you're aware of, and are they different or are they similar but maybe different links?

WIT: All of those videos that we have collected, it was shared with the colleagues in Bagram as well, how many were they?

UNIDENTIFIED VOICE: I think it was seven videos; seven video clips by telephone.

WIT: Mobile phones?

UNIDENTIFIED VOICE: Yeah.

WIT: By mobile phone.

IO: Seven, so I'm clear, videos or pictures?

UNIDENTIFIED VOICE: Videos.

IO: Videos.

UNIDENTIFIED VOICE: And pictures, both of them.

WIT: No, make it -- how many videos and how many...

UNIDENTIFIED VOICE: Seven videos -- approximately seven videos and I think six.

WIT: Do you have it here?

UNIDENTIFIED VOICE: Yeah. Thirteen.

IO: Thirteen photos?

UNIDENTIFIED VOICE: We have more photos, but these were.....

WIT: These were -- a video was taken by our team from the destroyed compound and some photos from those, I don't know, we -- that we see, that the bullets that went through, signs of the bullets that indicates if it was inward coming or outward. Those videos -- did you share all of them with ---

UNIDENTIFIED VOICE: Not those ones.

WIT: Not those ones?

UNIDENTIFIED VOICE: No.

WIT: Okay. So if you wish, we could provide that as well.

IO: Is a follow on -- do you have -- does your commission have all seven videos?

WIT: Yeah.

IO: You do?

WIT: Yeah.

IO: Okay. And so I'm clear, are they of the same orientation with regard to bodies not being pulled from rubble, but, if you will, located centrally? Are they -- and they're from different sources or several different sources?

WIT: Different sources but most all of them are from -- shows the bodies that are collected in the mosque.

IO: Okay.

WIT: And goes through each body and opens the cover.

IO: Each body is uncovered?

WIT: Yeah. It's covered and they show the faces and some of them which -- I could not go through all of them.

IO: This was done by your investigators or

WIT: No. It was....

IO: Yes, the videos

WIT: The videos that was collected by our investigators.

IO: Did any of your investigators see all 90 dead at one time? Did anybody go and count?

WIT: No because we were not immediately -- as I said, the immediate mission that gone there was on the 23rd, and this -- they were not able to go to the village. And then, the next day, we were able to go there, and then they were -- they saw that -- the graveyards.

IO: Were you prevented from going in the village?

WIT: The first day?

IO: Yes.

WIT: No.

IO: It was just a matter of travel?

WIT: It was a matter of security assessment of the staff itself. But mainly, what we see in other incidents, whenever there is civilians killed, the villages become so angry and then at the same time, sometimes there are violent demonstration, so they would not distinguish who is who. Just as a matter of security precautionary measure, they did not decide to go to the site immediately. Everything was very tense and there was a very violent demonstration going on as well, so that was the reason.

IO: You shared pictures with us, I think. Have you shared all the pictures you have?

UNIDENTIFIED VOICE: Not all.

WIT: Yeah, some of the pictures.

IO: What other pictures do you have that you are willing to show?

UNIDENTIFIED VOICE: Who have the pictures?

WIT: Yeah what type of pictures they are and -- it -- in principle there is no problem that we would share, as we shared the videos and we shared the.....

IO: Herat videos?

WIT: Yeah. We already shared the seven videos. Did you have it?

IO: All seven?

LA: Yes, sir. I think we do. They have them on video

WIT: (b)(6)?

UNIDENTIFIED VOICE: General ---

WIT: We shared with Brigadier General Mark Millis stuff, all the videos and the pictures, if you will, if you would like to have them as well, we could provide you that as well.

IO: Do you have a business card?

WIT: When I came out the card, I thought, "Oops, I forgot my business cards." But I can write down...

IO: Your email and....

WIT: Yeah.

IO: Your contact information after we're done and that way we can...

WIT: Sure. Do you want me to write it down on ---

IO: Sure. We see that you have the pictures of certain dead there. Do you have other pictures of dead or are these all the pictures you have of the dead?

UNKNOWN VOICE: No. The dead picture are ----

IO: While we're looking at these, when you produce your final report, who do you give it to?

WIT: We submit -- we share a copy, of course, with the military, here with the embassy here in Bagram, with the military. We give a copy to the President.

IO: President Karzai?

WIT: Yeah, President Karzai and in most occasions, we do launch it publicly to a press conference, yeah.

IO: Is there any way we can get a copy of your interim report, where you're at right now? I don't know that -- we have an earlier reporting date than you do. We're looking to get as much information as possible. Is there any way you can share what you have so far with us?

WIT: I have to double-check. These decisions I have to get it from the commission. So the decision commission needs to be done. I don't see any problem in principle ---.

IO: And aren't -- you talked about cooking pots, etcetera. Where were those located?

WIT: It's in one of these compounds that is.....

IO: Down in this area?

WIT: Yeah.

UNIDENTIFIED VOICE: Here.

WIT: Here.

IO: In here?

WIT: In one of these.

IO: So near where the....

UNIDENTIFIED VOICE: This is the place -- this is the place of air strike happen. It's Nowabad, Village of Azizabad. So in one of these houses.

IO: In one of these houses?

UNIDENTIFIED VOICE: Yeah.

IO: The invitation cards for this sort of event that you talk about, is that normal?

WIT: Yeah. It's normal.

IO: It's very common?

WIT: It's very common. People send over invitation card. And in this case, they claim, very -- usually because in these villages, they invite everybody and those people that are relative, the people they know from other villages, and they send these invitation cards.

IO: What was the event that they were commemorating?

WIT: Timor, who died 9 months ago, so there are several occasions that that needs to be -- they need to invite people and have Karan and then provide food to people. The first 3 days after death and then the first 4 weeks, the last -- every Friday, they do -- and then, in some communities they do on the ninth month, commemoration day of -- with the ninth month is past from the dead. And a big part of the celebration, they commemorate the once a year is past. So this was the ninth month ---

IO: And the man's name was?

WIT: Timor.

IO: Timor?

WIT: Yeah.

IO: And he was killed when?

UNIDENTIFIED VOICE: Intel have the picture of Tamor.

WIT: We have the video of Tamor as well, the guy who was died. But it was not shared with you.

IO: I don't think necessarily we need that.

WIT: Okay.

IO: We don't need to see a video. We just need to know when he was killed.

WIT: This is the date. It's a solar calendar. It's 13 86 930, which -- let me turn it to...

IO: March?

IO: In America, we call this doing public math.

WIT: [Laughing.] It's sometime at the end of 2007, but we would look precisely at the calendar.

IO: So again, the invitations were to celebrate his passing of the ninth month?

WIT: Nine month, yeah.

IO: And he had been killed in inter-tribal ---

WIT: Yeah. Inter-tribal, yeah. He was killed, according to his family, by another.

IO: By another family?

WIT: Yeah.

IO: What was his status?

WIT: He was an elder and was....

UNIDENTIFIED VOICE: He was in charge of the company.

WIT: In charge of the same company that's working -- that was working with the people at the air base, Shindad Armor Group. Then, his brother, Rezaha, got -- like inherited the same role from his brother. It's a tradition. So if a brother passes away, the next brother would take over both the eldership and at the same time, whatever business ----

IO: If you don't have a brother, who would take over the eldership?

WIT: Mainly the uncle.

IO: Oldest male in the family?

WIT: Oldest male or if they have son, then the son would take over. If not, the uncle and somebody at the tribe that are the eldest.

IO: Sir, you said your investigation at this point, interim, is looking at approximately 91 casualties?

WIT: Yeah.

IO: Through your trips down there, to include your teams, have you accounted for all of the grave sites you have on the sheet?

WIT: Yeah.

IO: Okay. So I'm clear, culturally, one deceased individual per grave site?

WIT: Yeah.

IO: Okay.

WIT: Yeah, that's -- first -- the first video that I saw was around 26 grave that was there, and then my initial reaction to that was, "That can't be. 91 people shall not be -- cannot be fifteen in these graves." Then they said the graves are bigger. Then I say "If we have a close-up of those graves?" And then, I saw the close up. I know that area because it is more of desert. It's not mountainous, very mountainous. Mountain are -- Zevco is far. There, people make a bigger grave for individuals. So normal size of the grave would be big; bigger than what we have it in

Kabul. Then, I could not believe that this was a bigger grave than the normal to fit more than one people. Then we asked further investigation to find out where were the other sites. We found all those nine sites with the graves.

IO: How far away did people travel -- so people went -- were buried back at their homes? How far away are these graves from Azizabad?

WIT: Most of them are around -- three of them are within Azizabad but in different locations of Azizabad, and the village is big. Some of them, because it was either a guest there -- we do mention there that it was guest from -- as per different sources, they had to say it was a guest from this village or from ---

END OF FIRST RECORDING OF IAHRC

Second Audio of IAHRC Continues for Additional 3 Minutes plus

WIT: Yeah, I think it one.

IO: Do you have his name?

IO: Yeah, that would be helpful if we could identify who that individual was.

WIT: Sure.

IO: That would be helpful.

LA: Okay. I'm good.

UNIDENTIFIED VOICE: (b)(6)

?: (b)(6) okay.

LA: And he said he went there the next day?

UNIDENTIFIED VOICE: Yeah.

----went there the next day and saw how many bodies?

UNIDENTIFIED VOICE: Yeah.

LA: He saw....

UNIDENTIFIED VOICE: Ninety-one.

WIT: Ninety one, yea?

UNIDENTIFIED VOICE: Yes

LA: Okay.

WIT: Okay. We have a different list that was-- a list that he is ---

LA: Endorsed?

WIT: Yeah.

LA: Okay.

LA: If we can ask for that as well.

WIT: Sure.

LA: But this may be stuff...

LA: Sir, if you have it, we'd like to ---

WIT: Sure.

LA: see it.

WIT: What else would you like us to send you over? Would you send me an email saying that -- those issues that we've ---

LA: That's what I'll do.

WIT: Okay.

LA: I'll send you an email identifying those things.

WIT: Okay. Thank you.

LA: We're gonna be in Kabul for the next few days so that would be fine

WIT: Great

LA: We'll either run over to where you work or meet us some place.

WIT: Sure. Good.

LA: Anything else?

IO: No, sir.

IO: Again, from the deepest of our hearts, thank you for doing this. Our President has told your President, but we regret any civilian casualty and the military works very, very, very hard to avoid that and we're very sorry if, in fact, civilian casualties, which the military report indicates somewhere between 30-35 took place, so you have our blessings and our prayers. We are very sorry on behalf of our nation. And our mission here is to find the facts with regard to new evidence to see if, in fact, the findings and conclusions on the initial investigation should be changed or we validate the report. We are here to find the truth and hopefully we will.

WIT: Thank you very much. Let me thank you as well, on behalf of the commission for taking this initiative further. That will send a very positive message. That will assure people of the truth that the United State have made to the people of Afghanistan. We keep telling people there's no impunity at least in these cases. The US is committed. They are promoting these values and they will definitely take measures to bring to the minimum the civilian casualties as well as if something gives out of negligence, they will take care of that as well.

At the same time, what your sons and daughters are doing here are very much appreciated by the people of Afghanistan. These incidents have caused some level of anger. But generally, people do understand what you guys are here for and what you're doing. They do realize the day that you leave here, this country will be again a place for the terror and a place for the chaos again. They don't want that to happen again.

IO: Thank you very much.

WIT: Thank you.

END OF INTERVIEW

VERBATIM INTERVIEW OF
AZIZABAD VILLAGER (0027)

[Interview conducted outside. Speaker and or witness were difficult to understand due to winds during interview. The interview team appeared to be walking from building to building taking interviews.]

[Interview already in progress]

BRIG GEN CALLAN (INVESTIGATING OFFICER):---a celebration.

(b)(6) **(INTERPRETER):** [Translating.]

WITNESS: [Dari.]

INTERPRETER: He said there was no--there was no people from outside.

Q1 (INVESTIGATING OFFICER): No people from outside, so all locals?

Q1 (INTERPRETER): [Translating.]

A1 (WITNESS): [Dari.]

INTERPRETER: There was a couple of family from my--from my cousins, they just came the night before.

Q2 (INVESTIGATING OFFICER): But everybody else was from this village?

Q2 (INTERPRETER): [Translating.]

A2 (WITNESS): [Dari.]

A2 (INTERPRETER): [Unintelligible.] some--flares who comes to the house want to look at it and I told them no.

INVESTIGATING OFFICER: Thank you.

INTERPRETER: [Inaudible.]

INVESTIGATING OFFICER: [Inaudible.]

(b)(3)130b, (b)(6) This is a--53.

[The interpreter was speaking to the witness in Dari or Farsi.]

INTERPRETER: And I apologize General I just asked him a question, since so many people died here I said, so many people cannot live here in the house. And he that the [inaudible] one time when they saw someone moving from one house to another house [unintelligible] all the families [unintelligible] one inside this house.

Q2 (INVESTIGATING OFFICER): How many people lived here?

Q2 (INTERPRETER): [Translating.]

A2 (WITNESS): [Dari.]

[Did not hear a response for question number 2.]

INVESTIGATING OFFICER: Seven casualties in building 51, okay.

[The interpreter and the witness spoke back and forth in Dari or Farsi]

INTERPRETER: One moment, I asked him if all of them killed from the whole family, he said no, someone else was coming here.

Q3 ((b)(3)130b, (b)(6)) (b)(6) what was their name, their family name?

Q3 (INTERPRETER): [Translating.]

A3 (WITNESS): [Dari.]

A3 (INTERPRETER): (b)(6)
(b)(6)

[The interpreter is speaking to the witness in Dari or Farsi.]

(b)(3)130b, (b)(6) Cooking spot,

(b)(3)130b, (b)(6) Building 50.

INTERPRETER: He said they were cooking were building a--just like an oven and the stove something and cooking food.

WITNESS: [Dari.]

Q4 ((b)(3)130b, (b)(6)): And the--ask him which day they cooked they cooked the food?

Q4 (INTERPRETER): [Translating.]

A4 (WITNESS): [Dari.]

A4 (INTERPRETER): Thursday night.

Q5 ([b)(3)130b, (b)(6)] So [inaudible] what day was that?

Q5 (INTERPRETER): [Translating.]

A5 (WITNESS): [Dari.]

[The witness is speaking loud and fast over the interpreter.]

A5 (INTERPRETER): No, he said the same night it was bombing, I don't remember [unintelligible].

Q6 (INVESTIGATING OFFICER): [Inaudible] down?

Q6 (INTERPRETER): [Translating.]

A6 (WITNESS): [Dari.]

[The witness is speaking fast over the interpreter.]

A6 (INTERPRETER): He said [inaudible]

INTERPRETER: [Inaudible.]

[b)(3)130b, (b)(6)] So where were the [inaudible]?

INTERPRETER: [Translating.]

WITNESS: [Dari.]

INTERPRETER: [Inaudible.]

[b)(3)130b, (b)(6)] [Inaudible.]

WITNESS: [Dari.]

INVESTIGATING OFFICER: Okay, how many was that?

(b)(3)130b, (b)(6) That should be up around 35--37--37.

UNKNOWN SPEAKER: 34, 36, 37.

INVESTIGATING OFFICER: All right, so we're getting near where the [inaudible] works?

INVESTIGATING OFFICER: So again, as we approach ask him if the bulldozer was back here?

INTERPRETER: [Translating.]

WITNESS: [Dari.]

INTERPRETER: [Inaudible] 16 people got killed [unintelligible] because they [unintelligible].

WITNESS: [Dari.]

INTERPRETER: He said 14 people got killed [unintelligible]. Two people got killed over there, two over there and the rest of them was here.

WITNESS: [Dari.]

INVESTIGATING OFFICER: [Inaudible] 20 minutes, is that right?

WITNESS: [Dari.]

INVESTIGATING OFFICER: That right now, I think your idea is good. If this is the majority of civilians he's told us about [inaudible] third party how they village here [inaudible].

INTERPRETER: [Inaudible.]

WITNESS: [Dari.]

INTERPRETER: [Translating.]

(b)(3)130b, (b)(6)

Where it used to be?

INVESTIGATING OFFICER: Thank you ask him if we could see some another--ask if it would be able to be okay if we can another villager to us to talk about this incident?

(INTERPRETER): [Translating.]

WITNESS: [Dari.]

INTERPRETER: If I ask him if he can bring someone else.

WITNESS: [Dari.]

INVESTIGATING OFFICER: Thank you, thank you, thank you.

WITNESS: [Dari.]

INTERPRETER: I asked how are you, how is everything? [Unintelligible].

INTERPRETER: [Translating.]

INVESTIGATING OFFICER: Nice to meet you, nice to meet you.

INTERPRETER: [Translating.]

WITNESS (child): [Dari.]

INTERPRETER: [Inaudible.] that's my cousin's house or uncle's house [inaudible] small people.

INVESTIGATING OFFICER: Small people, okay.

INTERPRETER: And he said he lost his [unintelligible]. Yeah he doesn't know [inaudible].

INTERPRETER: [Translating.]

WITNESS (child): [Dari.]

INTERPRETER: He said yes, I woke up at middle of night and there was a lot fire from [inaudible].

INVESTIGATING OFFICER: Does he know why they shooting at the--coalition forces?

INTERPRETER: [Translating.]

WITNESS (child): [Dari.]

INTERPRETER: He said it was really heavy fire that night and I did not anything where it was coming from.

(b)(3)130b, (b)(6) [Inaudible.]

INTERPRETER: [Inaudible.]

WITNESS (child): [Dari.]

INTERPRETER: He said I have no idea how many Taliban [inaudible] back and forth [inaudible] or not. [Inaudible.]

INVESTIGATING OFFICER: (b)(6) ask him if a--how many folks died in the air strike?

INTERPRETER: [Translating.]

WITNESS (child): [Dari.]

INTERPRETER: I have a two that injured [unintelligible] busy with those guys. I went to Harat couple weeks ago. [Inaudible] and I don't know how many casualties where there.

INVESTIGATING OFFICER: Okay, tell him thank you very much.

INTERPRETER: [Translating.]

WITNESS (child): [Dari.]

INTERPRETER: [Inaudible.] 5,000 Afghanis [inaudible].

INVESTIGATING OFFICER: Okay, thank you.

22

VERBATIM INTERVIEW OF

(b)(6)

[Interview already in progress.]

(b)(6) (INTERPRETER): [Translating.]

BRIG GEN CALLAN (INVESTIGATING OFFICER): (b)(6) advised them we're--because we're very bad note takers again we're going to use our recorder.

INTERPRETER: Can I introduce you sir?

INVESTIGATING OFFICER: Sure, absolutely.

INTERPRETER: [Translating.]

INTERPRETER: I told him this is all--stays here but I would like to record this.

INVESTIGATING OFFICER: And that's okay with them?

INTERPRETER: [Translating.]

(b)(6) (WITNESS): [Dari.]

INTERPRETER: No.

INVESTIGATING OFFICER: It's not okay with them?

INTERPRETER: It is okay with them [laughing].

INVESTIGATING OFFICER: It is okay with them.

(b)(3)130b, (b)(6) No problem.

INTERPRETER: No problem, I'm sorry.

(b)(3)130b, (b)(6) Can they please state their names?

INTERPRETER: [Translating.]

WITNESS: [Dari.]

INTERPRETER: My name is (b)(6)

WITNESS: [Dari.]

INTERPRETER: And the other name is (b)(6)

Q1 (INVESTIGATING OFFICER): (b)(6) again if you would begin with the opening question. Can you ask them what they know about the air strike incident about on the 21st and 22nd of August?

Q1 (INTERPRETER): [Translating.]

A1 (WITNESS): [Dari.]

A 1 (INTERPRETER): He said there was one--1:30 at night they start bombing and when we woke up in the morning there was a five-six house was destroyed.

Q2 (INVESTIGATING OFFICER): Did he a--as--did he witness any casualties? And if so, how many?

Q2 (INTERPRETER): [Translating.]

A2 (WITNESS): [Dari.]

A2 (INTERPRETER): He said 90 people were killed.

Q3 (INVESTIGATING OFFICER): Okay, did he physically see 90 people?

Q3 (INTERPRETER): [Translating.]

A3 (WITNESS): [Dari.]

A3 (INTERPRETER): He said yes.

Q4 (INVESTIGATING OFFICER): Where did he see the 90 people?

Q4 (INTERPRETER): [Translating.]

A4 (WITNESS): [Dari.]

A4 (INTERPRETER): He said we took them out of the houses and we brought them at the mosque and we put them in one mosque.

Q5 ((b)(3)130b, (b)(6)) Where they both present on the 22nd, in the village?

Q5 (INTERPRETER): [Translating.]

A5 (WITNESS): [Dari.]

A5 (INTERPRETER): He said I--he was tried to tell them no we're together, he said no I was separated five kilometers, my house is far away from that village, five clicks away.

WITNESS: [Dari.]

INTERPRETER: He said where the village was bombed there is this school that (b)(6) of that school.

Q6 ((b)(3)130b, (b)(6)) And--and what's--what village is he from?

A6 (INTERPRETER): [Translating.]

A6 (WITNESS): [Dari.]

A6 (INTERPRETER): I'm from Kaudon.

Q7 ((b)(3)130b, (b)(6)) Kaudon, and you're from Azizabad?

Q7 (INTERPRETER): [Translating.]

A5 (WITNESS): [Dari.]

A5 (INTERPRETER): Yeah, Nobad, the Northern part.

Q7 ((b)(3)130b, (b)(6)) What part?

Q7 (INTERPRETER): [Translating.]

A7 (WITNESS): [Dari.]

A7 (INTERPRETER): He said I'm from the center of Azizabad but there Nowabad about to exist from Azizabad.

Q8 ((b)(3)130b, (b)(6)) Okay, and so you were there on the 21st and 22nd?

Q8 (INTERPRETER): [Translating.]

A8 (WITNESS): [Dari.]

A8 (INTERPRETER): Yes, yes.

Q9 ((b)(3)130b, (b)(6)) And did you have some sort meeting planned?

Q9 (INTERPRETER): [Translating.]

[Two Afghani speaking in the background.]

A9 (WITNESS): [Dari.]

A9 (INTERPRETER): He wasn't there. This guys was trying to correct him sir and he told them that we were there right there, he said no I wasn't there?

INVESTIGATING OFFICER: He wasn't were?

INTERPRETER: He was not in the village.

((b)(3)130b, (b)(6)) Which one wasn't in the village? Him?

INTERPRETER: He was not.

((b)(3)130b, (b)(6)) Okay.

INTERPRETER: [Translating.]

WITNESS: [Dari.]

INTERPRETER:

Q10 (INVESTIGATING OFFICER): He wasn't were?

Q7 (INTERPRETER): [Translating.]

A7 (WITNESS): [Dari.]

A7 (INTERPRETER): ((b)(6)) was not there. But because that gentleman asked if you were right here, he said no.

Q8 ((b)(3)130b, (b)(6)) Okay, so he wasn't there on the 21st and 22nd? Where was he?

Q8 (INTERPRETER): [Translating.]

A8 (WITNESS): [Dari.]

A8 (INTERPRETER): He was in his house.

Q9 ((b)(3)130b, (b)(6)) Where is his house?

Q9 (INTERPRETER): [Translating.]

A9 (WITNESS): [Dari.]

A9 (INTERPRETER): He said that was the on other side of the village when the village was bombarded on this--this side of it.

Q10 ((b)(3)130b, (b)(6)) Did he say in his house the whole time?

Q10 (INTERPRETER): [Translating.]

A10 (WITNESS): [Dari.]

A10 (INTERPRETER): No, he never moved, he stayed in his house.

Q11 (INVESTIGATING OFFICER): Is he aware of any of the villagers receiving payments?

Q11 (INTERPRETER): [Translating.]

A11 (WITNESS): [Dari.]

A11 (INTERPRETER): Yes, he knows that the--they got some money.

Q12 (INVESTIGATING OFFICER): How much money?

Q12 (INTERPRETER): [Translating.]

A12 (WITNESS): [Dari.]

A12 (INTERPRETER): Everyone who got killed they got 100,000 Afghanis. Which is almost like to--to--not almost 100 percent, they get \$2,000.

Q13 ((b)(3)130b, (b)(6)) Why did they have a--Af--Taliban in their village on the 21st and 22nd?

Q13 (INTERPRETER): [Translating.]

A13 (WITNESS): [Dari.]

A13 (INTERPRETER): There was no Taliban.

Q14 ((b)(3)130b, (b)(6)) No Taliban?

Q14 (INTERPRETER): [Translating.]

A14 (WITNESS): [Dari.]

A14 (INTERPRETER): No.

Q15 ((b)(3)130b, (b)(6)) So why did you have all those weapons there?

Q15 (INTERPRETER): [Translating.]

A15 (WITNESS): [Dari.]

A15 (INTERPRETER): They said that the weapons there, they used to work at the airfield. During the day they had to bring weapons at night, they carried back at home.

(b)(3)130b, (b)(6) What about the land mines?

Q16 ((b)(3)130b, (b)(6)) Yes, sir. With regard to the weapons, our understanding is that they have to turn those in every night when they go home.

Q16 (INTERPRETER): [Translating.]

A16 (WITNESS): [Dari.]

A16 (INTERPRETER): He said you they just taken them anyway.

Q17 ((b)(3)130b, (b)(6)) And what about the land mines? What's--

Q17 (INTERPRETER): [Translating.]

A17 (WITNESS): [Dari.]

A17 (INTERPRETER): He said the a--he was tried to--explain it to the grenade, I said no it's not a grenade. It's a mine--big bomb on they put them on the road. And he said they carry them anyway but he doesn't know it.

Q18 ((b)(3)130b, (b)(6)) Who would own them in the village? Why would they own them?

Q18 (INTERPRETER): [Translating.]

A18 (WITNESS): [Dari.]

A18 (INTERPRETER): He said that--that--that his opinion there shouldn't be keep those bombs this, this is old all Russian bombs left over there that's the reason there keep them in the house and should not--is not good for the safety.

(b)(3)130b, (b)(6) Obviously no.

INVESTIGATING OFFICER: (b)(3)130b, (b)(6) what do you got? Nothing.

Q19 (INVESTIGATING OFFICER): (b)(6) I guess finally from us is that, is there--is there a--is there any explanation why they may have or why the villagers shot at coalition forces?

Q19 (INTERPRETER): [Translating.]

A19 (WITNESS): [Dari.]

A19 (INTERPRETER): This--this guy is the (b)(6) sir and also he describe himself that this guys is the elder of the village and his father was grew up Afghan culture by culture of stable generation. He also is a part of the Shura--Shura and the representative from each village, he go up Shindand all the time. And he describe living a political way but I'm just going to cut it very short----

INVESTIGATING OFFICER: Please sir.

INTERPRETER:----and a--and he said there was a Hatma Koran is a usually when someone dies every year sometimes on the weekend they make donation for the people. And he said there was and also there is a new refugee in that area. And which they don't have the land and they have money and they bought some stuff and some of them does--does carry weapons. And he said there was a--when he came in the morning he heard at 8 o'clock before we go to school. There was a shot from this side to the coalition forces. So he said some people start shooting towards them and that's the reason to start fighting. And you--I can guarantee and I don't ask more question if I would ask who's these people are and I don't know what--what his answer would be. What happened to those people.

(b)(3)130b, (b)(6) Go ahead.

[The interpreter and the witnesses are conversing back and forth in Dari.]

INTERPRETER: They were all work carry weapons. They were I believe, he doesn't know, he said some of them was a ANP and some of the used to work here--here means at the airfield, so.

Q20 ((b)(3)130b, (b)(6) Can you give us their names?

Q20 (INTERPRETER): [Translating.]

A20 (WITNESS): [Dari.]

A20 (INTERPRETER): This guys say they don't recognize, they don't have any really close relationship with them, then this gentlemen just jumped in and then he said, "Yeah, I know their names."

INTERPRETER: [Translating.]

WITNESS: [Dari.]

INTERPRETER: The guy who got killed his name is a Reza and he is a dirty people. And the other guy (b)(6)

WITNESS: [Dari.]

INTERPRETER: These are the big one.

Q21 ((b)(3)130b, (b)(6)) And they all carried weapons?

Q21 (INTERPRETER): [Translating.]

A21 (WITNESS): [Dari.]

A21 (INTERPRETER): Yes, all of them.

Q22 ((b)(3)130b, (b)(6)) Why?

Q22 (INTERPRETER): [Translating.]

A22 (WITNESS): [Dari.]

A22 (INTERPRETER): They some of them was working with the guards and some of them with MPs, some of them work at the airfield.

Q23 (INVESTIGATING OFFICER): (b)(6) ask them, tell them we have heard other people state that the Taliban flag was flying the next day after the air strike. Does he know anything about that?

Q23 (INTERPRETER): [Translating.]

A23 (WITNESS): [Dari.]

A23 (INTERPRETER): No, he said, I haven't seen it.

Q23 (INVESTIGATING OFFICER): Has--has either one of them been visited by Taliban after the air strike?

Q23 (INTERPRETER): [Translating.]

A23 (WITNESS): [Dari.]

A23 (INTERPRETER): He said I don't deal with Taliban. If they see me they are going skin me out [laughing].

INVESTIGATING OFFICER: Okay, anything else?

Q24 ((b)(3)130b, (b)(6) **)** Did the--either of these gentlemen participated in the recovery of a--the bodies from the houses?

Q24 (INTERPRETER): [Translating.]

A24 (WITNESS): [Dari.]

A24 (INTERPRETER): He said not, he wasn't, he said yes.

Q25 ((b)(3)130b, (b)(6) **)** Did the--where did most the children's bodies come from?

Q25 (INTERPRETER): [Translating.]

A25 (WITNESS): [Dari.]

A25 (INTERPRETER): He said was elder--was there other woman and children and they got killed by the bomb.

Q26 (INVESTIGATING OFFICER): But would--where--where they in primarily one compound, one house?

Q26 (INTERPRETER): [Translating.]

A26 (WITNESS): [Dari.]

A26 (INTERPRETER): He said no there was six houses and then each house is three different families, three-four different families.

Q27 ((b)(3)130b, (b)(6) **)** Where most of the bodies under rubble?

Q27 (INTERPRETER): [Translating.]

A27 (WITNESS): [Dari.]

A27 (INTERPRETER): Yes, they were buried by the--under--buried them and we took them out.

Q28 ((b)(3)130b, (b)(6)) How long did it take to dig them out.

Q28 (INTERPRETER): [Translating.]

A28 (WITNESS): [Dari.]

A28 (INTERPRETER): One or two days.

(b)(3)130b, (b)(6) One or two days.

Q29 (INVESTIGATING OFFICER): (b)(6) from our visit yesterday, ask them how--how of the bodies were recovered?

Q29 (INTERPRETER): [Translating.]

A29 (WITNESS): [Dari.]

A29 (INTERPRETER): He said we dig that the shovel and dig them up.

Q30 (INVESTIGATING OFFICER): All right, so they dug out and they had no equipment to help them?

Q30 (INTERPRETER): [Translating.]

A30 (WITNESS): [Dari.]

A30 (INTERPRETER): He said some--some--some big equipment was us for the air field to come and over and help us out with that.

Q31 (INVESTIGATING OFFICER): And did the airfield bring anything over.

Q31 (INTERPRETER): [Translating.]

A31 (WITNESS): [Dari.]

A31 (INTERPRETER): He said we rented one--we brought them from here yes.

Q32 (INVESTIGATING OFFICER): He rented one what?

Q32 (INTERPRETER): [Translating.]

A32 (WITNESS): [Dari.]

[People laughing.]

A32 (INTERPRETER): He said----

(b)(3)130b, (b)(3)130b, (b)(6) Back hoe.

(b)(3)130b, (b)(6) Back hoe.

INTERPRETER: Back hoe, yeah.

INVESTIGATING OFFICER: Back hoe.

(b)(3)130b, (b)(6) We call it a back hoe.

Q33 (INVESTIGATING OFFICER): Who was the person who brought it?

Q33 (INTERPRETER): [Translating.]

A33 (WITNESS): [Dari.]

A33 (INTERPRETER): It was very crowded we said--it was a privately brought it in.

Q34 (INVESTIGATING OFFICER): And that--would that--that was there the next day?

Q34 (INTERPRETER): [Translating.]

A34 (WITNESS): [Dari.]

A34 (INTERPRETER): He said that was at noon until to evening then the he didn't come back in the morning.

INVESTIGATING OFFICER: Anything? (b)(3)130b, (b)(6)

(b)(3)130b, (b)(6) Ah no, no sir. We--we're gonna want probably see somebody over at the airfield. If that's all right, you know about that back hoe.

INVESTIGATING OFFICER: Okay, again if you would thank them for their time this morning (b)(6) and tell them that the--we're very sorry for any civilian casualties that was caused during the air strike.

INTERPRETER: [Translating.]

WITNESS: [Dari.]

INTERPRETER: He said they thank you very much sir.

INVESTIGATING OFFICER: Thank you sir.

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**VERBATIM INTERVIEW OF
AMERICAN FORCES AT AZIZABAD (0021)**

[Interview conducted outside. Speaker and or witness were difficult to understand due to winds during interview. The interview team appeared to be walking from building to building taking interviews.]

[Interview already in progress]

(b)(3)130b, (b)(6) ----and a water truck as wide as you could see the whole[inaudible] compound----

(b)(3)130b, (b)(6) This is 48.

UNKNOWN SPEAKER: [Inaudible.]

(b)(3)130b, (b)(6) So, so we have photographs also.

UNKNOWN SPEAKER: [Inaudible.]

(b)(3)130b, (b)(6) At this point--at this point we had 16 individuals on the ground is a pretty precarious situation [inaudible].

(b)(3)130b, (b)(6) [Inaudible.] from what the condition [inaudible] my concern [inaudible] all my guys accounted for back with me or we can some stand-off not broken up between these two missions.

(b)(3)130b, (b)(6) Our team one had four wounded, one killed, it ranges of three, three, four here [inaudible]. All indications was there armed with nothing more than couple of PKMs couple of [inaudible]. And two a--one of the kills, one of the badly wounded to our [inaudible]. So I can tell you we had rounds as far back [inaudible] my position was the farthest one kicking up around us. And (b)(3)130b, (b)(6) has a story for you [inaudible] before he got shot 'cause he saw (b)(3)130b, (b)(6) and our EOD tech, they were running together. Things for kicking up around (b)(3)130b, (b)(6) and he grab (b)(3)130b, (b)(6)

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VERBATIM INTERVIEW OF
AZIZABAD VILLAGER (0022)

[Interview conducted outside. Speaker and or witness were difficult to understand due to winds during interview. The interview team appeared to be walking from building to building taking interviews.]

[Interview already in progress.]

(b)(6) (INTERPRETER): He said thank you very sir, how are you?

BRIG GEN CALLAN (INVESTIGATING OFFICER): I'm doing fine, say good afternoon sir, my name is Brigadier General Mike Callan.

INTERPRETER: [Translating.]

WITNESS: [Farsi]

INTERPRETER: Michael

INVESTIGATING OFFICER: Michael.

WITNESS: Mike Callan.

INVESTIGATING OFFICER: Yes----

INTERPRETER: He said welcome sir.

INVESTIGATING OFFICER: Thank you, thank you.

INTERPRETER: [Translating.]

INVESTIGATING OFFICER: I and several other military officers have been asked to investigating the air strike on the 21st and 22nd of August.

INTERPRETER: [Translating.]

WITNESS: [Farsi]

INTERPRETER: Thank you very much.

Q1 (INVESTIGATING OFFICER): Can you tell me what you saw that night?

Q1 (INTERPRETER): [Translating.]

A1 (WITNESS): [Farsi.]

A1 (INTERPRETER): He said yes, I was here.

WITNESS: [Farsi]

INTERPRETER: He speaks so I couldn't understand his [unintelligible].

[The interpreter and the witness were speaking back and forth either in Farsi or Dari.]

INTERPRETER: He said I was in homes and I didn't came out.

WITNESS: [Farsi.]

INTERPRETER: With the--when the bomb comes in I was with my family in the house and we never came out until they all left.

Q2 (INVESTIGATING OFFICER): Sir there is a--they were some civilian casualties on behalf of America we are very, very sorry for those.

Q2 (INTERPRETER): [Translating.]

A2 (WITNESS): [Farsi.]

A2 (INTERPRETER): He said thank you very much my [unintelligible] was the same thing [unintelligible] people but then early in the morning when the soldiers comes in and they kick the door sir search. And I did not leave there--outside my house.

Q3 (INVESTIGATING OFFICER): Can you ask him where were the civilians--civilians who were killed during the air strike, where were they located.

Q3 (INTERPRETER): [Translating.]

A3 (WITNESS): [Farsi.]

A3 (INTERPRETER): He said there was a 13 civilian was killed in the one house. They were all my neighbor these guys [unintelligible].

Q4 (INVESTIGATING OFFICER): Can you ask him if a--again, if we can get the commandos up, could we--can you show us where that is?

Q4 (INTERPRETER): [Translating.]

A4 (WITNESS): [Farsi.]

A4 (INTERPRETER): He said 13 people were buried at the [unintelligible] it is [unintelligible] cemetery.

Q5 (INVESTIGATING OFFICER): Do I know where they were buried? [Inaudible] take us.

Q5 (INTERPRETER): [Translating.]

A5 (WITNESS): [Farsi.]

INVESTIGATING OFFICER: (b)(6) they want us to stop until they bring [inaudible].

[The interpreter and the witness were speaking back and forth either in Farsi or Dari.]

INVESTIGATING OFFICER: Then if we could (b)(6) they want us to hold, but I'd like a [inaudible]

[The interpreter and the witness were speaking back and forth either in Farsi or Dari.]

A5 (INTERPRETER): He said good.

Q6 ((b)(3)130b, (b)(6)) He had word that they were Taliban?

Q6 (INTERPRETER): [Translating.]

A6 (WITNESS): [Farsi.]

A6 (INTERPRETER): He said there was no Taliban.

WITNESS: [Farsi.]

INTERPRETER: He said there was--there was a donation over here and they were just very donations. This guy need to leave. He's very, very hate he's against us sir. And the I don't called him----

WITNESS: [Farsi.]

INTERPRETER: [Unintelligible] because he said he can't talk.

INVESTIGATING OFFICER: Okay.

[The interpreter and the witness were speaking back and forth either in Farsi or Dari.]

WITNESS: [Farsi.]

INTERPRETER: He said there was a donation----

WITNESS: [Farsi.]

INTERPRETER: He said there was a celebration invitation for the guys who's name was Timor. And then they slaughter 16, 17 sheep here and everyone was together that night.

Q7 ((b)(3)130b, (b)(6)) Okay, once they established that things were safe [unintelligible] buildings?

Q7 (INTERPRETER): [Translating.]

A7 (WITNESS): [Farsi.]

A7 (INTERPRETER): He said everybody's safety and no one isn't around.

Q8 ((b)(3)130b, (b)(6)) Who is the gentleman in [unintelligible].

Q8 (INTERPRETER): [Translating.]

A8 (WITNESS): [Farsi.]

A8 (INTERPRETER): He said the brother--his brother of Timor.

((b)(3)130b, (b)(6)) His brother of Timor.

INTERPRETER: Reza's brother.

Q9 (INVESTIGATING OFFICER): Reza's brother, okay. And a--is he--he's and elder as well?

Q9 (INTERPRETER): [Translating.]

A9 (WITNESS): [Farsi.]

A9 (INTERPRETER): No, his brother is not----

WITNESS: [Farsi.]

INTERPRETER: His old brother.

WITNESS: [Farsi.]

(b)(3)130b, (b)(6)

Is it still safe to go in there? Because we can do that area first.

INTERPRETER: [Translating.]

WITNESS: [Farsi.]

INTERPRETER: He said with the help of god there is no danger and we can go in there

WITNESS: [Farsi.]

INTERPRETER: He said there was no one there.

WITNESS: [Farsi.]

INTERPRETER: The name of the family was there was (b)(6). The--his father's name is (b)(6)

WITNESS: [Farsi.]

INTERPRETER: He said [unintelligible] son of (b)(6)

Q10 ((b)(3)130b, (b)(6) (b)(3)130b, (b)(6)) did he tell you how many-- [unintelligible] when he died?

Q10 (INTERPRETER): [Translating.]

A10 (WITNESS): [Farsi.]

A10 (INTERPRETER): This guy is very, very mad [Afghani is speaking over the speaker]----

(b)(3)130b, (b)(6)

Well his brother died so, I can understand that, all right.

INTERPRETER: Do you want me to talk to him a little bit more one minute----

WITNESS: [Farsi.]

INVESTIGATING OFFICER: You need to tell him we are here to find out the facts of the air strike.

INTERPRETER: I will calm him down so I will be right back in one minute.

INVESTIGATING OFFICER: All right.

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VERBATIM INTERVIEW OF
AZIZABAD VILLAGER (0023)

[Interview conducted outside. Speaker and or witness were difficult to understand due to winds during interview. The interview team appeared to be walking from building to building taking interviews.]

(b)(3)130b, (b)(6) (b)(6) why don't you introduce him to the general?

INTERPRETER: [Translating.]

BRIG GEN CALLAN (INVESTIGATING OFFICER): My name Brigadier General Mike Callan.

INTERPRETER: [Translating.]

INVESTIGATING OFFICER: I have been by the United States military to investigate the air strike here and find out what happened.

INTERPRETER: [Translating.]

WITNESS: [Dari.]

INTERPRETER: He said that's good sir.

Q1 (INVESTIGATING OFFICER): Can you tell us what happened from your perspective?

Q1 (INTERPRETER): [Translating.]

A1 (WITNESS): [Dari.]

A1 (INTERPRETER): He said my brother we--we donate for him, we slaughter the sheep. And I was sleeping over there then there was a tanker--tanker of water over here.

Q2 ((b)(3)130b, (b)(6) **)** Who lives in this compound here?

Q2 (INTERPRETER): [Translating.]

(b)(3)130b, (b)(6) Moving to 51, 53.

A2 (WITNESS): [Dari.]

A2 (INTERPRETER): He said we would invited everyone but then that night we're here for cooking and preparing for the morning. We invite [Unintelligible] the headquarter of ANA [unintelligible] NCOs.

Q3 ([b](3)130b, (b)(6)) Is not supposed to happened until the next day, right?

Q3 (INTERPRETER): [Translating.]

A3 (WITNESS): [Dari.]

A3 (INTERPRETER): He said the night we were trying to prepare for the food and then the morning [unintelligible].

[b](3)130b, (b)(6) Okay, that's when the actual celebration will take place.

INTERPRETER: That's correct.

Q4 ([b](3)130b, (b)(6)) When did the invitations go out for the celebration.

Q4 (INTERPRETER): [Translating.]

A4 (WITNESS): [Dari.]

A4 (INTERPRETER): He said I send the invitation the night before, the invitation was tomorrow morning. So one day ahead.

Q5 ([b](3)130b, (b)(6)) One day ahead and it's just in this local area that he invited people--

Q5 (INTERPRETER): [Translating.]

A5 (WITNESS): [Dari.]

A5 (INTERPRETER): He said there was a--the--the guys is a foreigner. He's [b](6) his name is [b](6) I also invite him to come over here [unintelligible] 80 people from this village work at the airfield.

Q6 ([b](3)130b, (b)(6)) If you two would like tell the general [unintelligible].

Q6 (INTERPRETER): [Translating.]

A6 (WITNESS): [Dari.]

A6 (INTERPRETER): He said would you like me to explain this house.

INVESTIGATING OFFICER: Yes.

WITNESS: [Dari.]

INTERPRETER: There was a three family that was lived there, the father's name was (b)(6) and the two sons, one's a police officer [unintelligible] security guard. And also there is another guy name [unintelligible] he was living also, which they all survived.

(b)(3)130b, (b)(6) Looking at one, two, three.

[The interpreter and the witness were speaking back and forth either in Farsi or Dari.]

INTERPRETER: He said the was a --two people were injured and in here and he keeps saying that rest of it gone completely. But he won't identify any of them. And the he said the two lady, one--one a young, young lady, one of the old woman who was (b)(6) daughter came from for offer invitation that night and the lady and the woman was pick up, went to the hospital and the--the kid died on the hospital and the woman was sent Kabul to the hospital and she was sent by Karzi to the India now she's back in Kabul.

Q7 (INVESTIGATING OFFICER): (b)(6) would you ask them if either one of these men----

(b)(3)130b, (b)(6) This is building two.

INVESTIGATING OFFICER:----have a list of all the casualties from that--that night?

Q7 (INTERPRETER): [Translating.]

A7 (WITNESS): [Dari.]

INTERPRETER: [Unintelligible].

INVESTIGATING OFFICER: If he would like to continue please?

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VERBATIM INTERVIEW OF
AZIZABAD VILLAGER (0024)

[Interview conducted outside. Speaker and or witness were difficult to understand due to winds during interview. The interview team appeared to be walking from building to building taking interviews.]

[Interview already in progress.]

[The interpreter and the witness were speaking back and forth in Dari or Farsi.]

(b)(6) **(INTERPRETER):** He said for the--from here this is 19 people got killed here in this house--16 of them has been buried over there, 14 of them has been----

INTERPRETER: [Speaking to the witness in Dari or Farsi.]

INTERPRETER: Fourty other's been killed--buried over there--buried over here, 16 over there and five from the--the other side.

[The interpreter and the witness were speaking back and forth in Dari or Farsi.]

INTERPRETER: He said this the total all the people got killed here and then I have a--40 and 4, 7, 5, 1, 4, 8, 5.

[The interpreter and the witness were speaking back and forth in Dari or Farsi.]

Q1 (b)(3)130b, (b)(6) Are those the ones that are buried here or are those the ones who died?

Q1 (INTERPRETER): [Translating.]

A1 (WITNESS): [Dari.]

INTERPRETER: I'm going to ask him a question sir because I'm an Afghan and I know all the territory because he keep confusing me as other fact.

(b)(3)130b, (b)(6) If you're confused we're going to be worse.

INTERPRETER: I know.

[The interpreter and the witness were speaking back and forth in Dari or Farsi.]

(b)(3)130b, (b)(6)

I think I know what you're asking but [inaudible].

A1 (INTERPRETER): What happened General I told them as Afghan you are Muslim and I'm Muslim also it's Ramadan, very holy time and you can't lie you know guilt you have as me is tripped and I ask him because when we live in a village, you have to have a cemetery next to your village where you live. When you die when you get killed you have to bury there. But now he told me there this is we all refugee here. We don't have don't have. Like residents 100 percent here, when we die, we gonna go because he give me simple to myself, he said, you work in the Shindand right now, but your family could be in Kabul or somewheres, when then they are not going bury them in Shindand. They are going to take you somewhere else, that's what he said sir.

[The interpreter and the witness were speaking back and forth in Dari or Farsi.]

Q2 (b)(3)130b, (b)(6) Ask him--when did if--if they heard plane over?

Q2 (INTERPRETER): [Translating.]

A2 (WITNESS): [Dari.]

(b)(3)130b, (b)(6)

Building 51.

A2 (INTERPRETER): He said almost like a forty minute the plane was circling.

(b)(3)130b, (b)(6)

Before the--before they starting firing?

INTERPRETER: Yes.

Q2

(b)(3)130b, (b)(6)

So you knew coalition forces where here?

Q2 (INTERPRETER): [Translating.]

A2 (WITNESS): [Dari.]

A2 (INTERPRETER): He said there was no other vehicle. The plane was on there for almost like a 30-40 minute before the air strike. But the two vehicles that was--van and a SUV came by because the guard told them -- the guard in the bazaar----

UNKNOWN SPEAKER: Coalition forces, right.

INTERPRETER: And they said they told them to--they came and in also when the two vehicles arrive here and there was a very [unintelligible] I mean, what is a--

(b)(3)130b, (b)(6)

Flare.

INTERPRETER: Flare--we shoot. So that's what he said they come to do.

Q3 (INVESTIGATING OFFICER): Well (b)(6) then if he knew coalition forces where here, why were they fighting back?

Q3 (INTERPRETER): [Translating.]

A3 (WITNESS): [Dari.]

A3 (INTERPRETER): He said we never fight, we never did anything, he said we never fight. He said as soon as the flare comes in and then the start bombing.

Q4 ((b)(3)130b, (b)(6) **)** So--so how does he explain the machine guns that were on roof and the bullets that were all over the place?

INVESTIGATING OFFICER: After the--after the incident we discovered those. Where did they come from?

Q4 (INTERPRETER): [Translating.]

A4 (WITNESS): [Dari.]

A4 (INTERPRETER): You see those--those guns belong to the people who the mining and also they come in at night an the village in the morning they go to the mines. On the roof and outside, those guns doesn't belong to the bad guys.

Q5 (INVESTIGATING OFFICER): Okay, why don't we do this. Why don't we ask him if he could take us to again where the civilian casualties that they discovered in the rubble, where were they?

Q5 (INTERPRETER): [Translating.]

A5 (WITNESS): [Dari.]

A5 (INTERPRETER): He said we brought a bulldozer [witness is speaking over the interpreter] remove from the rubbles [unintelligible].

Q6 (INVESTIGATING OFFICER): How many casualties did he take out from where we're standing?

Q6 (INTERPRETER): [Translating.]

A6 (WITNESS): [Dari.]

A6 (INTERPRETER): Seventeen people were digged [dug] out from this house.

Q7 (INVESTIGATING OFFICER): (b)(6) ask him if I heard right, did he said he discovered these casualties using a bulldozer?

Q7 (INTERPRETER): [Translating.]

A7 (WITNESS): [Dari.]

A7 (INTERPRETER): Yes.

WITNESS: [Dari.]

INTERPRETER: [Translating.]

INTERPRETER: He said we brought them from the airfield.

Q8 (INVESTIGATING OFFICER): Brought it from the airfield? So he doesn't know who's driving it?

Q8 (INTERPRETER): [Translating.]

A8 (WITNESS): [Dari.]

A8 (INTERPRETER): He said the guy--he said I know the guy who brought them in from here,

Q9 (INVESTIGATING OFFICER): How many days after the air strike did the bulldozer come here?

Q9 (INTERPRETER): [Translating.]

A9 (WITNESS): [Dari.]

A9 (INTERPRETER): He said we dig it after the same day operation and then after--slowly, slowly we found out the bodies--we dig them up.

Q10 (INVESTIGATING OFFICER): So the bulldozer was the next day?

Q10 (INTERPRETER): [Translating.]

A10 (WITNESS): [Dari.]

A10 (INTERPRETER): He said yes, we brought the day at evening he went back to the airfield.

Q11 (INVESTIGATING OFFICER): (b)(6) the bulldozer came from the Shindand airport?

Q11 (INTERPRETER): [Translating.]

A11 (WITNESS): [Dari.]

[Did not hear a response.]

INTERPRETER: Go ahead sir.

INVESTIGATING OFFICER: I was going to say, other than here, can he take us again to where the other civilian casualties were buried?

Q12 (b)(3)130b, (b)(6) One question sir, what was name of person who brought the bulldozer?

Q12 (INTERPRETER): [Translating.]

A12 (WITNESS): [Dari.]

A12 (INTERPRETER): His name is (b)(6) he lives in Kardez.

[The interpreter and the witness were speaking back and forth in Dari or Farsi.]

(b)(6) Moving towards building one.

WITNESS: [Dari.]

INTERPRETER: Here's [unintelligible] burning.

Q13 (INVESTIGATING OFFICER): How many?

Q13 (INTERPRETER): [Translating.]

A13 (WITNESS): [Dari.]

A13 (INTERPRETER): He said this is the clothes of the children.

INVESTIGATING OFFICER: This is the--

INTERPRETER: The clothes of the children.

Q14 (INVESTIGATING OFFICER): How many children?

Q14 (INTERPRETER): [Translating.]

A14 (WITNESS): [Dari.]

A14 (INTERPRETER): He said my brother family Timor six of them were here.

WITNESS: [Dari.]

INTERPRETER: And five people are from Rasa--Rasajan was eleven people.

WITNESS: [Dari.]

INTERPRETER: [Unintelligible]

(b)(3)130b, (b)(6) Standing in building one, for that.

Q15 (INVESTIGATING OFFICER): (b)(6) why don't we ask him we had heard that Taliban was here that night is that true?

Q15 (INTERPRETER): [Translating.]

A15 (WITNESS): [Dari.]

A15 (INTERPRETER): He said I work for the government I'm with the government, I'm against all Taliban.

Q16 ((b)(3)130b, (b)(6)) Can he explain they were two people manning machine gun on this roof and firing?

Q16 (INTERPRETER): [Translating.]

A16 (WITNESS): [Dari.]

A16 (INTERPRETER): I never seen it, I never know it.

(b)(3)130b, (b)(6) Okay.

INTERPRETER: I was going to ask him if he was right there how he doesn't know he have a there.

[The interpreter is speaking over the investigating officer.]

INVESTIGATING OFFICER: He's right there and he didn't see any fire or this then he has very unsensitive hearing.

INTERPRETER: [Translating.]

WITNESS: [Dari.]

INTERPRETER: I asked him he never seen when someone [unintelligible] he said no that there was a gun here.

INVESTIGATING OFFICER: Well there were several guns here.

INTERPRETER: [Translating.]

WITNESS: [Dari.]

INTERPRETER: [Unintelligible] they were here. [Unintelligible].

WITNESS: [Dari.]

INTERPRETER: I have a letter from ANA that the [unintelligible] [unintelligible].

Q17 (INVESTIGATING OFFICER): (b)(6) ask him if the bulldozer was back in this area?

Q17 (INTERPRETER): [Translating.]

A17 (WITNESS): [Dari.]

A17 (INTERPRETER): No he said that was just [unintelligible].

WITNESS: [Dari.]

Q18 (INVESTIGATING OFFICER): (b)(6) ask him if he'll continue to where any other casualties were buried?

Q18 (INTERPRETER): [Translating.]

(b)(3)130b, (b)(6) Leaving building one.

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**VERBATIM INTERVIEW OF
AZIZABAD VILLAGER (0026)**

[Interview conducted outside. Speaker and or witness were difficult to understand due to winds during interview. The interview team appeared to be walking from building to building taking interviews.]

BRIG GEN CALLAN (INVESTIGATING OFFICER): Stay beside me with that thing please.

WITNESS: [Dari]

(b)(6) (INTERPRETER): There was a place, but this place belong to (b)(6)

WITNESS: [Dari]

INTERPRETER: Eight people belong to (b)(6) all of them got killed.

WITNESS: [Dari]

INTERPRETER: He said first of all 8 then 6 people [inaudible].

(b)(3)130b, (b)(6) Is the unnumbered buildings--six--between six and four [unintelligible]

WITNESS: [Dari]

INTERPRETER: There was a--eleven 11 from the [unintelligible] were. They got killed.

INVESTIGATING OFFICER): Here? So the total is up what, eleven and seven?

INTERPRETER: Seven.

Q1 (INVESTIGATING OFFICER): Eighteen people here?

Q1 (INTERPRETER): [Translating.]

A1 (WITNESS): [Dari.]

[Did not hear a response for question number 1.]

Q2 (INVESTIGATING OFFICER): Twenty six people here, did the bulldozer find these people too?

Q2 (INTERPRETER): [Translating.]

A2 (WITNESS): [Dari.]

[The witness talked over the interpreter as he was responding to the investigating officer.]

A2 (INTERPRETER): I apologize General, I just asked him because it's at night. When you're bombing something you go you have to be in the house inside with the family. How you can find them here and there I said, how you found them outside at night?

INVESTIGATING OFFICER: And his answer?

INTERPRETER: His is they said they were just running around everywhere.

[The interpreter and the witness spoke back and forth in Dari or Farsi.]

INTERPRETER: He said after ten days I found another body over there.

WITNESS: [Dari]

INTERPRETER: I asked him why--why they were running around when they the bombing was not in one minute or one time. There was a period like three-four hours upon were bombs were coming in.

WITNESS: [Dari]

INTERPRETER: He said there's more, four more casualty I didn't explain you guys but we'll go, get to it later.

INVESTIGATING OFFICER: Okay, all right, where else?

INTERPRETER: [Unintelligible] more houses [unintelligible].

(b)(3)130b, (b)(6) Building unnumbered.

[The interpreter was speaking to an unknown person in Dari.]

VERBATIM INTERVIEW OF
AZIZABAD VILLAGER (0028)

[Interview conducted outside. Speaker and or witness were difficult to understand due to winds during interview. The interview team appeared to be walking from building to building taking interviews.]

[Interview already in progress]

(b)(6) **(INTERPRETER):** [Translating.]

WITNESS: [Dari.]

INTERPRETER: I just asked him a general question sir, how many people has been--died here. He said too many. I said how many is it [inaudible].

BRIG GEN CALLAN (INVESTIGATING OFFICER): Ninety or less. Ask him what he observed that night.

INTERPRETER: [Translating.]

WITNESS: [Dari.]

INTERPRETER: I was sleeping.

INVESTIGATING OFFICER: He was sleeping.

INTERPRETER: [Translating.]

WITNESS: [Dari.]

INTERPRETER: He said we just start a bombing, we know even know, we didn't want to come out of the house.

WITNESS: [Dari.]

INTERPRETER: My kids were screaming I said hold on and told them to don't leave.

INVESTIGATING OFFICER: Tell him thank you very much.

INTERPRETER: [Translating.]

WITNESS: [Dari.]

INVESTIGATING OFFICER: Thank you.

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VERBATIM INTERVIEW OF
AZIZABAD VILLAGER (0031)

[Interview conducted outside. Speaker and or witness were difficult to understand due to winds during interview. The interview team appeared to be walking from building to building taking interviews.]

[Interview already in progress]

WITNESS: [Dari.]

(b)(6) (INTERPRETER): This is the place of you can walk in it.

BRIG GEN CALLAN (INVESTIGATING OFFICER): Okay.

INTERPRETER: This is the place he said, that's what he said, were 65 bodies were here.

INVESTIGATING OFFICER: Sixty-five bodies.

INTERPRETER: Yeah.

INTERPRETER: And he said five where somewhere else.

INTERPRETER: [Translating.]

WITNESS: [Dari.]

[The interpreter was speaking to people in the mosque back and forth in Dari or Farsi.]

(b)(3)130b, (b)(6) Forty-six feet by thirteen feet--mosque.

INTERPRETER: [Inaudible]

INTERPRETER: [Inaudible] he said he doesn't know the rest of the [unintelligible].

INTERPRETER: [Translating.]

WITNESS: [Dari.]

INTERPRETER: Sixty-five.

(b)(3)130b, (b)(6) Sixty-five. [Inaudible].

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VERBATIM INTERVIEW OF
AZIZABAD VILLAGER (0033)

[Interview conducted outside. Speaker and or witness were difficult to understand due to winds during interview. The interview team appeared to be walking from building to building taking interviews.]

[Interview already in progress]

WITNESS: [Dari.]

(b)(6) (INTERPRETER): [Translating.]

INTERPRETER: He said the people can dig into the rock and if you need another day, you call me now and I'll bring it over and also this guy came and he said this is my house and when you saw it--it was rubble and I have no place to go and I have no money to eat and this is only one uniform I have.

BRIG GEN CALLAN (INVESTIGATING OFFICER): So this gentleman said he had a list and now he doesn't have a list.

INTERPRETER: No, he don't

INTERPRETER: [Translating.]

WITNESS: [Dari.]

INTERPRETER: He said I have one list but it's not completed

WITNESS: [Dari.]

INTERPRETER: He said--[unintelligible] tribe by tribe.

INVESTIGATING OFFICER: [Inaudible.]

WITNESS: [Dari.]

INVESTIGATING OFFICER: All right, okay, thank you very much.

[The witness continued talking.]

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VERBATIM INTERVIEW OF
AZIZABAD VILLAGER (0036)

[Interview conducted outside. Speaker and or witness were difficult to understand due to winds during interview. The interview team appeared to be walking from building to building taking interviews.]

[Interview already in progress]

WITNESS: [Dari.]

(b)(6) **(INTERPRETER):** (b)(6)

(b)(3)130b, (b)(6) You live where?

INTERPRETER: [Translating.]

WITNESS: [Dari.]

INTERPRETER: This is my house.

(b)(3)130b, (b)(6) And the [inaudible].

INTERPRETER: [Translating.]

WITNESS: [Dari.]

INTERPRETER: He said on the night a--the bomb came in [unintelligible] bury these--those people here.

(b)(3)130b, (b)(6) But for the whole graveyard?

INTERPRETER: [Translating.]

WITNESS: [Dari.]

INTERPRETER: No just [unintelligible].

(b)(3)130b, (b)(6) And how many graves [inaudible]?

INTERPRETER: [Translating.]

WITNESS: [Dari.]

INTERPRETER: Maybe 25.

(b)(3)130b, (b)(6)

Maybe 25?

INTERPRETER: [Translating.]

WITNESS: [Dari.]

INTERPRETER: Some of them he said [inaudible].

WITNESS: [Dari.]

INTERPRETER: I just I asked him because in Islam does not allow to three people [unintelligible] one. But he said because it [inaudible] late evening [inaudible]. He was the guy was just [inaudible].

(b)(3)130b, (b)(6)

Some--some [inaudible] there are multiple graves here.

INTERPRETER: [Translating.]

WITNESS: [Dari.]

(b)(3)130b, (b)(6)

Two people?

INTERPRETER: Yeah.

(b)(3)130b, (b)(6)

Any other questions?

INTERPRETER: No, no.

(b)(3)130b, (b)(6)

Thank you very much.

INTERPRETER: [Translating.]

WITNESS: [Dari.]

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VERBATIM INTERVIEW OF

(b)(6)

[Mr. Seleemi, the interpreter, dialed the number and began to speak to the witness in Dari.]

(b)(6) (INTERPRETER): [Translating.]

(b)(6) (WITNESS): [Dari.]

INTERPRETER: Okay, he's fine with questions so I will just----

(b)(3)130b, (b)(6): Go ahead.

INTERPRETER: He's name is (b)(6) and go ahead with the--the question.

Q1 (b)(3)130b, (b)(6): Where does he work?

Q1 (INTERPRETER): [Translating.]

A1 (WITNESS): [Dari.]

A 1 (INTERPRETER): Shindand.

Q2 (b)(3)130b, (b)(6): Shindand, the hospital or--

Q2 (INTERPRETER): [Translating.]

A2 (WITNESS): [Dari.]

A2 (INTERPRETER): Yes----

(b)(3)130b, (b)(6) In the hospital, okay.

(b)(3)130b, (b)(6) Go ahead.

Q3 (INTERPRETER): [Translating.]

(b)(3)130b, (b)(6) 22--22 August.

Q3 (INTERPRETER): [Translating.]

A3 (WITNESS): [Dari.]

A3 (INTERPRETER): At the night when heard--of the incident what happened, he sent some doctors in the morning to go if there was any patient to take care of there. But they called him back that there's no patient--there is no patient in the area.

(b)(3)130b, (b)(6) did he go himself?

INTERPRETER: No, he didn't go, he send some doctor--he sent some doctor.

(b)(3)130b, (b)(6) He sent some doctor?

INTERPRETER: I'll ask him again. He sent some doctor to see the patient and bring the patient there--if there is any help there. But the problem was that there was no patient and also the people called him back that, what we should back, he said no stay a little longer, maybe still--some patient when you come and show up. And finally he found out that the people was transferred, the patient was transferred to Harat.

Q4 (b)(3)130b, (b)(6)): So he saw nobody?

Q4 (INTERPRETER): [Translating.]

A4 (WITNESS): [Dari.]

A4 (INTERPRETER): He didn't go himself but he sent the doctor, the doctor couldn't see any patients so he wasn't in there physically.

Q5 (b)(3)130b, (b)(6) : Did they a--did the doctor tell him about many people who had died?

Q5 (INTERPRETER): [Translating.]

A5 (WITNESS): [Dari.]

A5 (INTERPRETER): They have a distance of 25 kilometers from Azizabad where they're staying, where they have a clinic. So there was no--the--doctor who went--the--the dead bodies was not there. But they had taken it to the mosque. In the mosque they were saying that there were 58 bodies.

(b)(3)130b, (b)(6) : 58?

INTERPRETER: 58.

Q6 (b)(3)130b, (b)(6) : does he have the telephone number to the doctor who actually went there and saw the bodies?

Q6 (INTERPRETER): [Translating.]

A6 (WITNESS): [Dari.]

A6 (INTERPRETER): His name is (b)(6), the delegation which was sent from (b)(6), they held the number in his contact information.

Q7 (b)(3)130b, (b)(6): But he doesn't have it?

Q7 (INTERPRETER): [Translating.]

A7 (WITNESS): [Dari.]

A7 (INTERPRETER): If we can call him later, he would find the number and give it to us.

INTERPRETER: [Translating.]

(b)(3)130b, (b)(6) Thank him very much----

INTERPRETER: [Translating.]

(b)(3)130b, (b)(6): Thank him very much for his time, we appreciate and we will try to reach him back later for the number.

INTERPRETER: [Translating.]

(b)(3)130b, (b)(6): What time would he like us to call?

INTERPRETER: [Translating.]

WITNESS: [Dari.]

INTERPRETER: Half an hour.

(b)(3)130b, (b)(6): If we can [inaudible].

INTERPRETER: [Translating.]

(b)(3)130b, (b)(6): Thank you.

(b)(6), the interpreter contacted (b)(6) refused to speak to the investigation team and related to the interpreter that the team should contact the Human Rights Commission]

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VERBATIM STATEMENT

OF
CJSOTF Personnel
On
17 Sep 08

PERSONS PRESENT:

Brig Gen Mike Callan, Investigating Officer (IO)

(b)(3)130b, (b)(6) Deputy Investigating Officer (DIO)

(b)(3)130b, (b)(6) Legal Advisor (LA)

Male Voice 1, (Unknown Witness)

Male Voice 2, (Unknown Witness)

DIO: -- that's what we're talking about. Now, there's a super secret, apparently, from what I was understanding that only General McKiernan saw but not --

LA: I thought he saw the 8-minute footage of cell phone?

MALE VOICE 1: That was my understanding that UNAMA showed him some video, but --

DIO: I don't know that it's any different than what we saw. This was the one that was being tattered around that --

IO: I saw it on CNN BARBARA STAR said yack, yack, yack, and NICK LESHEFSKI was the next guy to come up on that and say [voices speaking over the Investigating Officer] but clearly (b)(6) has seen it, and she comments that repeatedly in her article.

DIO: And apparently the doctor that was videoing this was also one of the out of town instigators.

IO: One of the six?

DIO: One of the six out of town instigators that denied access to the ANP.

MALE VOICE 1: The Governor tried to get in for close to, I'd say three hours or five hours? Five hours to gain access into the village.

DIO: Before -- okay. So they had -- the prior six hours we didn't have friendly forces.

MALE VOICE 2: Right.

DIO: There were no U.S. forces for 96 hours.

MALE VOICE 2: That's correct, sir.

DIO: No ANSF for five or six hours, or they were denied. Meanwhile, that's what we think --

MALE VOICE 2: (voices speaking over each other) Is it graveyard, bulldozer, burning body, REEZA? I'm not sure.

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VERBATIM STATEMENT

OF

CJSOTF Personnel

On

17 Sep 08

PERSONS PRESENT:

Brig Gen Mike Callan, Investigating Officer (IO)

(b)(3)130b, (b)(6) Deputy Investigating Officer (DIO)

(b)(3)130b, (b)(6) Legal Advisor (LA)

(b)(6) 1, (Unknown Witness)

(b)(6) 2, (Unknown Witness)

Male Voice 1, (Unknown Witness)

Male Voice 2, (Unknown Witness)

LA: Let me just bring you through some of the questions that came up yesterday. It seemed that they were able to find -- and these numbers are only important in the sense that, I was trying to get a sense for when the guys were doing the SSE what they were finding. You know, consistently they were all finding five enemy combatants in Buildings 1, 2, that area and, they were also finding anywhere from four, around four, two to four civilians or four civilians in Building 2, Building 1 area. Then there was one girl and one boy in Building 39.

Does that -- that (b)(3)130b, (b)(6) find. Was Building 39 -- it was 35 or 39 that they --

(b)(6) (b)(3)130b, (b)(6) (b)(3)130b, (b)(6) or --

LA: Uh-huh.

(b)(6) 1: Okay. Yeah. Building 39. I don't think that got rolled into the tally for 1, 2 and 3.

LA: So that may have been a separate amount?

(b)(6) 1: And he's the only one that reported that?

LA: There was another, some people said two enemy, two dead, two civilians dead in Building 1, see, the funny thing is you got guys coming through and they remember, but there was no, it didn't seem like there was any documentation of it.

(b)(6) 1: Right. There was no one consolidated point.

LA: Right. There's no belly button. You're the dude who is going to count every body and you're responsible for the SSE with regard to the casualty numbers on site.

(b)(6) 1: Right.

LA: Is that a fair assessment?

(b)(6) 1: I believe so because normally or in my estimation it would have been the SSE teams that would have been charged with okay, you guys are responsible for recording or maintaining a running tally and when we talk with (b)(3)130b, (b)(6) when he gets back in here, I believe he's the one that actually called the report higher with the numbers that we have.

LA: That he got from these guys that did the thing? Because he stayed on the outside and did security.

(b)(6) 1: Right. So he was sort of the belly button, and he was chalking up the tally over here.

LA: But only from the information that they reported to him, he didn't put eyes on.

(b)(6) 1: That's my understanding. Yes, sir.

LA: Okay. And that happens. That will explain, that might explain a margin of error of may be five.

(b)(6) 1: Possibly more, if you consider rubble and what it can conceal, so yes, sir.

LA: Well, and what we're hopefully going to find is that the rubble has not moved too much from the original scene because we have a FBI bomb specialist who is going to come with us down there to examine, and she can take a look evidently at rubble scenes and estimate the amount of dead that maybe underneath.

(b)(6) 1: Well, to be honest, we are, we are almost a month out from this thing. By this point, the people who own the houses that survived the engagement have done quite a bit to get back on their feet.

LA: So the only other way we can do it is by looking at video.

(b)(6) 1: And that's the video that we have at this point and the (b)(1)1.4a video. If you gentlemen have access when you get back to the states, and I know you want to have this thing wrapped up with a bow on it before then, but I would imagine that the pipes in the states are better, where you could get a better quality (b)(1)1.4a video than what we got. We were limited by the what the, I don't even know which system it came over to get to us, but --

LA: Oh, you mean the fact that the -- the way that they had to deliver it limited the quality?

(b)(6) 1: Yes, sir. Absolutely.

LA: So there's other better quality (b)(1)1.4a video out there?

(b)(6) 1: There was at that time when we requested it.

LA: Did you guys get the full?

(b)(6) 1: To my knowledge, yes, sir.

LA: Because I know you only got a partial to begin with.

(b)(6) 1: Right we had two partials initially, and part of the reasoning behind that was they weren't going to be send the whole thing and now we've got the whole thing but crappy quality, so it's --

LA: Question. Did they send that -- how did they send that was it via (b)(3) 50 USC 3024(i)

(b)(6) 1: No, I believe it came over SIPRNET, and I don't remember which source it was, whether it was like the joint network node over at 101 or if it was just our S D N, but I think that we suck off of the big Army pipe over there to get our information, SIPR anyway.

LA: Yeah.

(b)(6) 1: Because we wanted a better copy, especially when we found out we didn't have the gunship video. That was huge. I was counting on the gunship video to be able to come in sit down and go through it lock step with those guys and go okay, first engagement, Buildings 1, 2, 3. Second engagement, Building 44, what were you doing, where were you at this point in time, and having the radio comms in the background to help justify why are we shooting at this. Well hey, we just saw this many looked like military age males moving left, right, up the middle, something. But none of that was available to us. So it, in that regard, I felt like my investigation was limited because I didn't have the gunship video and the quality on the (b)(1)1.4a video was next to worthless.

[The investigating officer and other individuals enter the room]

IO: Really? Great.

LA: Yes, sir. The (b)(6) here was telling me that because of the pipes here and this far out, what we may have gotten is not very good stuff.

IO: Okay.

LA: Which means we might have to go back to (b)(3)130b, (b)(6) and tell them to send us another version on the bandwidth that can support large megs.

(b)(6) 1: Or even if they could forward you a disk within the high-res format versus what we got over the pipes. Talking about the (b)(1)1.4a vid being next to worthless.

MALE VOICE 1: The two smaller ones aren't that bad, but --

(b)(6) 1: That's just the 500-pound MAW strike, right, so it really didn't do much for us.

MALE VOICE 1: It doesn't add a lot. The 90-minute version is at low-res, and it's just a couple minutes, sir.

IO: Okay, let's try it. And on the timeline, when did the (b)(1)1.4a arrive, roughly? Anybody remember?

(b)(6) 1: It was five or ten minutes behind the first couple of engagements with --

MALE VOICE 2: I want to say it was approximately 15 to 30 minutes after the (b)(1)1.4a

(b)(6) 1: Was it? Well, the AC was on station ten minutes prior, so.

IO: Your timeline indicated you were going to be 30 minutes after the objective, but, in fact, you got there ten minutes prior to.

(b)(6) 1: That was the CONOP.

MALE VOICE 2: That was the CONOP. When we got the guidance back from the SJSOTF commander (b)(1)1.4a

(b)(1)1.4a

(b)(1)1.4a

(b)(1)1.4a

(b)(3)130b, (b)(6)

and his element.

DIO: And the gunship was there ten minutes before the ME?

(b)(6) 1: The gunship, yes. We were talking, we were in contact with the gunship before I even departed Fire Base Thomas.

MALE VOICE 1: I think there were seven to ten nautical miles off.

(b)(6) 1: Correct.

MALE VOICE 1: I don't think they actually --

(b)(6) 1: -- come up over the target.

MALE VOICE 1: Right. I don't think they actually came over the target, if I remember correctly, until they were engaged so they didn't spook the --

IO: So (b)(1)1.4c, (b)(3) 50 USC 3024(i)

MALE VOICE 1: Right, sir. At least for the rest of the, we probably got another ten minutes or so on the FOX News.

IO: Okay. Great.

(b)(6) 1: This is where they start showing the, taking care of the woman and child that will be coming up soon. I think here they're going to eventually flip down the visor, and you'll see the guy's post access card and that kind of stuff.

IO: This is the water truck?

(b)(6) 1: Yes, sir. So right now you're standing in Building 2, yes, Building 2 looking through that wall.

MALE VOICE 2: Looking west.

(b)(6) 1: No, you're looking south and east, south and east because the --

MALE VOICE 2: The truck was right here.

(b)(6) 1: Right here. Right.

MALE VOICE 2: So north, probably a little bit.

(b)(6) 1: North is up here.

MALE VOICE 2: All right. So there's somehow a little bit --

(b)(6) 1: South and east. (b)(1)1.4c, (b)(3) 50 USC 3024(i)
(b)(1)1.4c, (b)(3) 50 USC 3024(i)

MALE VOICE 2: And our assumption with that reason was to ensure that if someone should come on the objective now seeing, it was the fact that they placed that vehicle to allow them an exfiltration out of the target area and to slow down any type of forces.

(b)(6) 1: So that might even be an indication that they were expecting us.

MALE VOICE 2: Speculation.

LA: Could be just a bad parking job.

IO: That thing needs more than an oil change.

MALE VOICE 2: Like I began to say earlier, when you talk about who these guys were employed by, if it was tribal, all that. It didn't matter that the Armor Group OIC, he fired all the security guards and he brought in a new crew because this was basically the last straw for him

with just not -- he went out of his way to try and train, employ the local nations to help out the economy and so forth and so on. But after this incident, he was no longer going to rely on local nationals, at least not for the immediate future.

IO: This is the Shindad brit?

MALE VOICE 2: Yeah, the Shindad. And he's --

(b)(6) 1: So he did the firing after the mission or before?

MALE VOICE 2: After, just after. And his background, you couldn't have, if you were going to have a civilian that you cohabited with, he lives -- his workers, they all live, minus their assortment of different European countries, but they live within Fire Base Thomas. They are an integral part of the daily activities there. (b)(6) Predominantly did the majority of his fighting over 15 years of combat experience between Northern Ireland and a couple of other different locations.

(b)(6) 1: There it is.

MALE VOICE 2: There it is.

DIO: That guy end up dead?

MALE VOICE 2: I couldn't tell you, sir.

(b)(6) 1: Let's take a look at the SSE.

DIO: (b)(3)130b, (b)(6) He's a security man, that's a different guy.

MALE VOICE 2: That name is not familiar to me, sir. What that name is.

(b)(6) 1: ECCI security manager, Shindad Air Base. Wonder if that's one of the guys from either the E T T or the P M T, is there any P M T there?

MALE VOICE 2: No, that would be the probably work with E C I because ECCI is the agency that does all the construction where Armor Group provides the security.

DIO: And (b)(6) did this guy ever show up anywhere?

MALE VOICE 2: Sir, I don't know anything. I couldn't answer any of those questions.

DIO: Okay.

IO: So (b)(3)130b, (b)(6) the guy that you said earlier to contact with regard to, is anybody on the objective part of his security detachment?

MALE VOICE 2: (b)(3)(130b, (b)(6))

IO: Who is (b)(3)(130b, (b)(6))

MALE VOICE 2: That (b)(3)(130b, (b)(6))

DIO: We'll ask that question. That could be a complete forgery.

MALE VOICE 2: And that's the little girl that supposedly died.

IO: May be from shock.

(b)(6) 1: You can see how she's quivering.

DIO: I think we all agree that's sad.

IO: Do we think we know what building she was located in?

MALE VOICE 2: I want to say he was in the vicinity.

(b)(6) 1: The report I got was between Buildings 1 and 2.

MALE VOICE 2: Correct.

(b)(6) 1: Kind of in the space between them, and I guess they sort of --

IO: Under a tarp somebody had said.

MALE VOICE 2: And a couple of the noncombatants that were killed, they were directly underneath a fighting position and, I mean there's directly in harm's way.

IO: As you well know, the Taliban they don't give a shit. That's why they pick it.

MALE VOICE 2: Unless she had some terrible internal injuries, I don't know how you go from sitting up and --

IO: She just looks like she's in shock. Kids are pretty resilient, you're right. I didn't see a major trauma there either. There's an allegation in (b)(6) New York Times article that he failed to provide medical attention on the scene.

MALE VOICE 2: She wrote a hell of an article.

(b)(6) 1: Being that this is FOX News footage, I don't even know that it's necessarily classified other than it's internal to this brief. They never did show this publicly, but in the interest of proving ours to this New York Times person, it may be useful.

DIO: The only -- Fox has not approved us to release this to other media.

MALE VOICE 1: That was -- and I've got the contact information in my office. I'll pass that off to you guys, but the last conversation I had with them was that we could use it, we just could not release it to another media outlet or another media organization without their consent.

IO: Well (b)(6) qualifies as one of those, then, I guess.

LA: We can't give it to her.

DIO: You can show it to her, can't give it to her.

MALE VOICE 2: The bottom line, sir, whether it was two or if it was 25, we would have stayed there all day to ensure that that every one of these people would have received treatment.

IO: She looks scared.

MALE VOICE 2: She should be.

IO: Absolutely. She did nothing wrong.

Is that a commando?

MALE VOICE 2: Right there is a commando, right there. Yes, sir. As you will notice we on a case by case basis we ask permission to utilize what we call B D Us because on our first fire fight for this trip we had 11 casualties and one KIA, and we had approximately vehicles and seven or eight which were American. None of the commando vehicles and none of the commando soldiers received a single nick or scratch on their vehicles. So when you go out to Shindad, (b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

Just in case that question does arise.

(b)(6) 1: And that's not the first case of that sort of scenario either. (b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

IO: Am I reading this C-2 chart right to indicate that you were TACON to General Schloesser only in RC east.

MALE VOICE 1: Well, he was the RC east commander, sir. But he is also -- well its TACON FID. It comes up most often in RC east, sir, because he's there RC east commander, but he's also the N C national command element for all U.S. forces within Afghanistan.

DIO: Until?

MALE VOICE 1: Until U.S. Forces Afghanistan stands up.

IO: All right. So again, as I'm reading this, this blue dotted TACON line.

MALE VOICE 1: Yes, sir.

IO: Are you TACON to him for anywhere within Afghanistan as an U.S. force or are you only TACON to him when you do activity in RC east?

MALE VOICE 1: I'd have to -- from my perspective it's RC east.

IO: Okay.

MALE VOICE 1: And I'll confirm that with a three, sir.

IO: So if you're right, anywhere else in the RCs, minus east, you don't have a relationship with him.

MALE VOICE 1: Right, sir. There are GCMCA, and it's, we had a general court-martial convening authority here, we got a general court-martial convening authority back at Bragg as well. I mean, like in a military justice or investigative, the power to appoint an investigating officer that is a national command element. They retain that right. But as far as operationally, it's RC east unless it's the other RCs if we're using their assets.

IO: Okay.

(b)(6) 1: This picture has made it into multiple news outlets, they had a person kind of sitting there on the rubble and then they went on the other side and they also have a picture coming through the other way, and this is just the one that kind of sticks out to me that I've seen repeatedly elsewhere, not that this particular video was released but this is one of the sites where they've taken photos.

IO: And again that's part of one, two, and three.

(b)(6) 1: Yes, sir because there's the big truck parked right out next to it so it's actually, it's on the far south east side of two.

IO: Was general mille briefed on this OP.

MALE VOICE 1: I don't believe so, sir. And I'll confirm that, but I don't believe so.

(b)(6) 1: In the past, though, we have briefed him on OPs.

IO: Elsewhere. Just when we were here we got a courtesy brief just to let us know that another OP was happening somewhere else, but that's the extent of it, just in case U.S. assets were going to be needed.

DIO: From what I understand when General Schloesser's first indication that this operation even went down, General McKiernan called him and asked him what the, you know.

IO: Yeah because again you're probably right it wasn't in RC east, so General Schloesser's SA on this would be near zero.

MALE VOICE 1: Yes, sir.

IO: You're approving authority.

MALE VOICE 1: Right.

MALE VOICE 2: We always have to do something out of the ordinary.

IO: I would have pinned that on a Marine.

MALE VOICE 2: OPs community but it actually is a Marine is what I'm claiming. This is back at Fire Base Thomas calling in an immediate Evac.

IO: And those helicopters are where?

MALE VOICE 2: They're out of F S T out of fire base had you rod you which is in.

(b)(6) 1: Herat FARAW.

MALE VOICE 2: No, they are still on the objective, sir.

(b)(6) 1: Is it?

MALE VOICE 2: Yes.

(b)(6) 1: All right, but the birds actually flew into --

MALE VOICE 2: Fire Base Thomas. Okay. I just thought that was why you were throwing smoke.

LA: Could that be smoke that just went off later?

MALE VOICE 2: I don't know the explanation for that beside just a warning saying hey, please don't.

(b)(6) 1: Oh yeah, because there was the Afghan guy that turned aren't to leave.

IO: Okay, so we still think this is six or seven in the morning?

MALE VOICE 2: No, this is now, this is now probably closer to 7 or 8, sir.

IO: I don't see any villagers, I don't hear anything, I don't hear nothing.

MALE VOICE 1: That's the end of it.

(b)(6) 1: There's been may be, I think we've seen three separate villagers try to approach and they've been held at arm's distance here either with warning shots or the smoke as we saw there, but nobody came out to directly protest the presence right after the mission.

IO: Okay.

MALE VOICE 1: Sir, when you see the disk that was Enclosure one and Enclosure two. Enclosure three is basically a compilation of one and two, just kind of the things that were happening. As you saw, there were large times when there was nothing of any significance going on, so Enclosure three is just kind of spliced portions of one and two, not going to play it actually, but obviously you've seen everything that's on Enclosure three. This will be Enclosure four, sir, which is one of the (b)(3) 50 USC 3024(i)

IO: I saw the threat the legal guys gave you from the day OC.

(b)(6) 1: (b)(3)130b, (b)(6)

IO: I started reading it like okay, asshole.

MALE VOICE 1: And these first two clips are relatively short. This one I think is a couple 40 Mike Mike impacts if I remember correctly.

IO: Now the gunship has been there already?

LA: And that's one, two, and three right there? The big pot mark.

MALE VOICE 2: You have to look.

LA: Would it be right at the -- is that the alley way there.

MALE VOICE 2: You know how (b)(3)130b, (b)(6) put together the one.

(b)(6) 1: The one with the BDA? Yeah. Here we go.

IO: There's some more. I would say that's the --

DIO: Are we still in 1, 2, 3?

LA: I think that's one, two, and three right there, sir, and that's the alley way.

MALE VOICE 2: He's saying four.

(b)(6) 1: And those are unnumbered. They are unnumbered between four, six, and seven.

MALE VOICE 2: And that's where when you speak with (b)(3)130b, (b)(6) a lot of the activity that was coming out of one, individuals may have -- moving back and forth according to the (b)(1)1.4a and then moving back towards the objective. And that's when (b)(3)130b, (b)(6) and his logic, if I could speak on his behalf, is that yeah, they are leaving the compound, fine, but when you turn around and you're coming back again after going into another location, you're coming back for some more, you've got to assume hostile intent at that time.

MALE VOICE 1: Sir, this is going to be Enclosure five which is the 500-pounder.

IO: Okay.

MALE VOICE 1: And you guys were asking about times, you might want to make a note of the time. In the upper left hand corner it will say bomb away or something and it gives a specific time. This is a relatively short clip.

IO: And this is 35, I guess?

MALE VOICE 1: What's that?

IO: Building 35.

MALE VOICE 2: He's targeting Building 35.

MALE VOICE 1: So it's about 2328.

MALE VOICE 2: This is from the reporting that I received for your SA from the ground perspective and from my perspective, is we thought we were done engaging, we thought the ticket had finally completed, however, again, we start receiving fire again from the vicinity of these buildings, and at that time we believe the (b)(1)1.4a and the -- I think it's running low on different ordinance at that time, so we employed the (b)(1)1.4a for that one time only. Just in case as we continued to clear through, if we received contact again.

IO: Yeah, on that right there I don't see any combatants on the video, though. It just looks like an empty, probably not empty, but just a building.

MALE VOICE 2: And I think what occurred from there, because you don't have the (b)(1)1.4a footage you cannot correlate the dropping of the 500-pound bomb from what the (b)(1)1.4a is reporting.

IO: Which is why I'd like to see the pilot and the FCO if they're here.

LA: What's FCO stand for?

IO: Fire Control Officer. He's the guy that basically takes the weapons and the censor, brings it all together and presents something for the pilot who actually fires.

MALE VOICE 1: All right, sir. And again this is Enclosure six. This is the -- I'll call it full length. It's about 90 minutes or so of time that they have provided to us and again as you'll see here shortly it's relatively low-res. You can see the numbers clearly on the first two, this one you can't.

MALE VOICE 2: And a lot of the (b)(1)1.4a time when I allocated the assets, because we had the (b)(1)1.4a and the (b)(1)1.4a and because we were on that main avenue of approach, I pushed the (b)(1)1.4a the majority of the time it's observing the Highway 1 to ensure that as we're there on the objective --

IO: No reinforcements.

MALE VOICE 2: No reinforcements or IEDs because at this time with this junction during our time out there, (b)(1)1.4a
(b)(1)1.4a

(b)(6) 1: And again its so low quality you really can't tell anything.

MALE VOICE 2: What was interesting about the (b)(1)1.4a was that when they arrived -- and I remember the (b)(1)1.4a specifically talking to them, it was as if the (b)(1)1.4a came on and was asking what the (b)(1)1.4a was engaging so forth and so on, and it was only -- in my opinion, it was the (b)(1)1.4a easily and quickly articulated to the (b)(1)1.4a and told him exactly the situation that was on the ground and he immediately, after his initial hesitation, being like what the hell is going here, after he was immediately told the fires and everything that was still occurring he was like okay, understand, totally agree, understand from what my perspective what I can see two thumbs up and then, you know, he wanted to be employed so that, he was like all right I understand everything, I fully understand the ROE, you guys know exactly what you're talking about, he made sure that everything was covered. I guess he was almost like the air craft lawyer up above asking the questions to the (b)(1)1.4a because I remember the (b)(1)1.4a saying I had to give this guy an ROE brief as he came on.

LA: Who was operating the (b)(1)1.4a

MALE VOICE 2: I don't know who operates the (b)(1)1.4a

IO: Some guy in (b)(3)130b, (b)(7) those are operated back in the states.

IO: It's not a TST, so.

LA: I think they're (b)(6)

IO: Pardon, sir?

LA: I think they're (b)(6) back --

DIO: It's a whole different category.

[inaudible.]

MALE VOICE 1: We actually employed a (b)(1)1.4a couple weeks ago on a joint fire scenario. We almost had a (b)(1)1.4a and two (b)(1)1.4a

IO: Now mission planning wise, you had asked for an U A V and you got one.

MALE VOICE 2: Yes, sir. When we -- any time we would try to leave the wire, if it's a level one or level two operation in regard to the CONOPs system, we ask for the world solely because we want to make sure that we can bring every asset that we have to bear to ensure that -- to make sure that everyone comes home safely, but more importantly so that we can -- and the thing that I told the commandos and we always told the commandos is and we told our soldiers between myself and (b)(3)130b, (b)(6) you have to be perfect on the objective in RC west. There is no room for error as you can see. And this was before this incident even occurred we spoke about that. And you have a major city in Herat, FARAW is a very sizable city, Shindad is a indecent size city, they have -- they have the ability now with telecommunication and the radio systems -- it's not like when I was in the ARUSHAWN Province in 2006 in the remote valley where, you know, out of the 45 times we left the wire we were contact I think 21 times, and it didn't matter what you did out there.

And yeah, you did the right thing because all the woman and children would leave, but no matter what happened up there known, even know what was going, (b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i) and we knew that from the get go once we got out there. And when we found out that we were going to Thomas that was one of the things that we considered during our I P B and during our course of action analysis (b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

LA: Speaking of that, were you the one who drafted up the CONOP with (b)(3)130b, (b)(6) together, or?

MALE VOICE 2: See what we did out there, sir, is in the interest of ensuring that we got CONOPs in as quickly as possible and ensuring that we get the 96 hour time window, you know for the approval, it was almost like I was always working on one and he was working one. He was the one that constructed this CONOP and put it together, and it was an idea that he ran with. (b)(1)1.4a, (b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4a, (b)(1)1.4c, (b)(3) 50 USC 3024(i) And this was kind of his design, he wanted to put his CONOP together and it also kind of came into contention with the majority of his equipment was having to be pushed back to B A F in order to retrograde back to the states. So it was, you know, it was his ability to use some or vehicles beside having to use his G M Vs.

IO: What's IOV stand for?

MALE VOICE 2: Indigenous Operating Vehicle.

LA: Okay. And were you -- you were familiar with the CONOP?

MALE VOICE 2: Oh, very familiar.

LA: (b)(1)1.4c, (b)(3) 50 USC 3024(i)

MALE VOICE 2: (b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

LA: Did they execute that portion?

MALE VOICE 2: I'd have to look on it, sir. I mean we've done everything, I think we went above and beyond what (b)(3) 50 USC 3024(i) executed. I mean I know while I was still there we were requesting an additional (b)(3) 50 USC 3024(i) to come out there to back -- to augment the team that was on the ground there for at least 30 days. (b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

LA: He had to leave then.

IO: He hasn't returned. He's from Shindad.

LA: Who is responsibility for this portion?

MALE VOICE 2: (b)(1)1.4c, (b)(3) 50 USC 3024(i) Overall, at the end of the day, I'm the one who has my name on it, so I'd be responsibility for it, but it has a sanity check by the (b)(3) 50 USC 3024(i) commander, who I allow to produce that and then as well as when the comes up to the Staff that the (b)(3) 50 USC 3024(i) looks at that as well to ensure that everything is complete for the before, during and after of the operation. I mean, hindsight being 20/20, we would have never left the objective. I got no problem throwing that out there, we would have never left.

MALE VOICE 2: (b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

IO: Again, we go back to the trying to address the new evidence that came out in this latest

(b)(3)130b, (b)(3) 50 USC 3024(i), (b)(6)

(b)(1)1.4c, (b)(3) 50 USC 3024(i) So if anything it was enter are you tribe, not enter tribe. They were trying to talk about it like it was external forces to the ZERKO valley.

MALE VOICE 2: Yes, sir. (b)(1)1.4c, (b)(3) 50 USC 3024(i)
(b)(1)1.4c, (b)(3) 50 USC 3024(i)

IO: (b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(6) 1: (b)(1)1.4c, (b)(3) 50 USC 3024(i)
(b)(1)1.4c, (b)(3) 50 USC 3024(i) That being said, in my interviews out there on the day that the SECNAV came out to visit, I spent a lot of time in the SCIF talking about
(b)(3)130b, (b)(6) (b)(1)1.4c, (b)(3) 50 USC 3024(i)
(b)(1)1.4c, (b)(3) 50 USC 3024(i)

DIO: The concern is MO SUDEKE was never, the guy we were going after was never PID.

(b)(6) 1: Yes, sir.

DIO: And we got to address that.

MALE VOICE 2: But I believe, if I stated correctly and I know (b)(3)130b, (b)(6) can confirm or deny that, but I believe we did PID family members.

(b)(6) 1: His father was the old guy, wasn't it?

MALE VOICE 2: I think so. So there was connections in the to him being there in Shindad.

IO: Well, you knew that because just north of one, two, and three you had identified this is REEZA's sister, right? One of the (b)(3) 50 USC 3024(i) shots so you've got tribal connection clearly through both REEZA and SUDEKE I think. Ultimately you're going down the right path and we won't forecast the future, but clearly I think again with your statement, clearly with (b)(3) 50 USC 3024(i) opportunities in RC west, the idea of pulling off a target not knowing what Taliban would or would not have done, not that you would forecast it, in hindsight, some sort of hand off as your because said yesterday, whether (b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

MALE VOICE 2: It is a CJSOTF policy.

IO: Connections to the (b)(6) or something.

MALE VOICE 2: CJSOTF policy if --

IO: This hasn't cropped up ever since that probably for those reasons.

LA: Is that a policy we could get a copy of it or is it just now known?

(b)(6) 1: No, we have a, there is a frag-o out that directs the updated operational guidance that we've got.

DIO: That says what exactly?

(b)(6) 1: (b)(1)1.4c, (b)(3) 50 USC 3024(i)
(b)(1)1.4c, (b)(3) 50 USC 3024(i)
(b)(1)1.4c, (b)(3) 50 USC 3024(i)

MALE VOICE 2: There are exceptions to policy.

(b)(6) 1: Right. (b)(1)1.4c, (b)(3) 50 USC 3024(i)
(b)(1)1.4c, (b)(3) 50 USC 3024(i)

MALE VOICE 2: (b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(6) 1: Yeah. (b)(1)1.4c, (b)(3) 50 USC 3024(i)

DIO: (b)(1)1.4c, (b)(3) 50 USC 3024(i) --

MALE VOICE 2: (b)(1)1.4c, (b)(3) 50 USC 3024(i)
(b)(1)1.4c, (b)(3) 50 USC 3024(i)
(b)(1)1.4c, (b)(3) 50 USC 3024(i) But also within that guidance it talks about the strict use of CAS and that it's still the ground force commander's decision, however he will employ every heavy weapon system that he has and any other precision-type of weapons through direct fire (b)(1)1.4c, (b)(3) 50 USC 3024(i)
(b)(1)1.4c, (b)(3) 50 USC 3024(i) So if you just have to -- (b)(1)1.4c, (b)(3) 50 USC 3024(i)
(b)(1)1.4c, (b)(3) 50 USC 3024(i)
(b)(1)1.4c, (b)(3) 50 USC 3024(i)

DIO: Was that done here?

MALE VOICE 2: In this situation and this is one of the A A R comments out of this particular operation that the C J SOTF is has taken to ensure that we don't find ours in another predicament such as this.

(b)(6) 1: (b)(1)1.4c, (b)(3) 50 USC 3024(i)
(b)(1)1.4c, (b)(3) 50 USC 3024(i)
(b)(1)1.4c, (b)(3) 50 USC 3024(i) At one point and in the FOX News footage you can see they use some Mark 47, 40 millimeter grenade launcher I believe it was on Building, let's see, 42, they were taking small-arms fire from there and they neutralized the threat with that.

DIO: I didn't figure it was the Mark 47, I figured it was the MK19 and Mark 32.

(b)(6) 1: Well, same type. Mark 47 is --

MALE VOICE 2: It's a MK19 on steroids. It's awesome.

(b)(6) 1: (b)(1)1.4c, (b)(3) 50 USC 3024(i) Wonderful tool.

MALE VOICE 2: (b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

IO: Well the supporting element was 15 minutes behind the main effort, right.

MALE VOICE 2: Roger, sir.

IO: Ten to 15, okay. And the cat is already out of the bag, but we use CAS for two hours to include finishing off with a 500-pounder. (b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i) Was there the enemy really that tenacious, I'm not getting it from the video, not that I would, because that thing is taken from outside the city and.

(b)(6) 1: Right here on the south wall is where that video was taken from or actually this video right here on 25.

IO: Right you could clearly see (b)(3)130b, (b)(6) and the (b)(1)1.4a on top of Building 26 and I'm taking it around Building 26 is where most of the (b)(3) 50 USC 3024(i) was right?

(b)(6) 1: That's where the main effort was and they also sent part of the supporting effort over there too. (b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(3)130b, (b)(3) 50 USC 3024(i), (b)(6)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

DIO: It's unobserved fire.

(b)(6) 1: Yes, sir.

DIO: As opposed to what you've got with the (b)(1)1.4a

(b)(6) 1: (b)(1)1.4a is looking right down there and can see it.

IO: And you don't have to worry about RPGs being fired down on you from roofs.

MALE VOICE 2: (b)(1)1.4a, (b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4a, (b)(1)1.4c, (b)(3) 50 USC 3024(i)

that.

IO: Okay.

IO: Your premission planning indicated that you and (b)(3)130b, (b)(6) decided not to go in for the next day. Explain to me the purpose of going back the next day was going to be for.

MALE VOICE 2: I think that was when (b)(3)130b, (b)(6) came out, we decided not to go that day, to come back because we had heard, we had just been -- I think it was the day before was the supposed riots, so it was probably not right.

LA: To go back there to complete the investigation.

(b)(6) 1: Say again?

LA: To go back there to complete the investigation.

MALE VOICE 2: We pushed it off. We pushed it off because we just thought it was bad timing. And then I think it was the next day when we thought it had calmed down enough and after speaking with the (b)(6) we realized that it was feasible for him to go in to get the footage of the grave sites.

(b)(6) 1: Right. Actually it was, well, we got the timeline for the investigation here, to help me keep it all straight.

IO: I thought there was a discussion in your planning that you hadn't intended, a lot like your statement with the Afghan National Police to go in with H A support.

(b)(6) 1: (b)(1)1.4c, (b)(3) 50 USC 3024(i)
(b)(1)1.4c, (b)(3) 50 USC 3024(i)

IO: KLE?

(b)(6) 1: Key Leader Engagement. Yes, sir.

IO: Kinetic?

MALE VOICE 2: Key Leader Engagement. It's a new terminology.

LA: Yeah it's been around for a while, you go and meet with the big bosses of the town.

IO: Oh key leader. Okay. All right. So that was the plan for the next day?

MALE VOICE 2: Yes, sir.

IO: And.

MALE VOICE 2: (b)(1)1.4c, (b)(3) 50 USC 3024(i) to go in there with --

(b)(6) 1: (b)(1)1.4c, (b)(3) 50 USC 3024(i)
(b)(1)1.4c, (b)(3) 50 USC 3024(i) the -- as you know the battalion commander had been called

away to Kabul,

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

IO: Okay. So then to your comment, the following day after you had arrived, it had cooled down enough to where you could return and then take photos of the grave sites and it's --

(b)(6) 1: No, sir. I didn't get out there until the 26th.

IO: Okay.

(b)(6) 1: The 24th we had the (b)(1)1.4c, (b)(3) 50 USC 3024(i) that showed where the grave sites were, we had (b)(1)1.4c, (b)(3) 50 USC 3024(i) and that's what guided us on the 26th, after (b)(3)130b, (b)(6) made it out, sat down with (b)(6) and (b)(3)130b, (b)(6), and (b)(3)130b, (b)(6) we were all there in the room together talking with (b)(6) and (b)(3)130b, (b)(6) after the meeting turned to me and said get out there and go take pictures, so we took that as --

IO: So that was the 27th?

(b)(6) 1: That was the 26th, sir.

MALE VOICE 2: They went out that day.

LA: So that was about four days later?

(b)(6) 1: Yes, sir.

MALE VOICE 2: Yes, sir.

IO: Okay.

(b)(6) 1: So plenty of time if they had wanted to dig additional graves or to do something else. The 18 graves I think falls well within their timeline of burying their dead within that next cycle of darkness. There's so much that points toward fabrication on the stories that we've been given thus far. And I would think as they root through the rubble if they were finding bodies that would have added to the number of graves, yet there's been no, well, I want to say there might have -- I think they're up to 23 outside of town now, just some reporting that I read somewhere but I can't put my finger on it. But even with that, you know, there's plenty of room under the rubble for five additional people, that is believable, but 90, based on the experience of the observers that were there --

DIO: We'll, be able to go look at the rubble, sees if the rubble has been moved itself.

(b)(6) 1: Yes, sir.

DIO: If it's been dug up. Back to your actions on the new operational guidance that you got. Is

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

MALE VOICE 2: If the tactical situation permits, stay on target. I know out east what I've seen, now that I'm up here as the assistant S-3 at the battalion level, been doing, you know, coordination with the battle space owners out east with the conventional side of the house, the last level two, (b)(3)130b, (b)(6) even went, him and the (b)(6) went out on the objective just to get a good feel on what the hell is going on out there, and see exactly how things are being conducted and they coordinate perfectly after the operation was completed, the exfill, the (b)(3)130b, (b)(6) and the conventional guys came in, brought in an element, did the KLE, made sure, I guess (b)(1)1.4c, (b)(3) 50 USC 3024(i) is what they're utilizing.

LA: That's dirty.

IO: Yes, they are.

DIO: What's the incubation period from, you left the objective that morning.

(b)(6) 1: 8 o'clock.

DIO: And we did not have friendly forces back on that objective for how long?

IO: Thirty-six hours?

(b)(6) 1: No, it's been longer than that.

MALE VOICE 2: Probably 96.

(b)(6) 1: Pretty close.

DIO: And in that time, the enemy was able to manipulate all that type stuff. At what point, if

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i) is it.

MALE VOICE 2: I think it depends on the location because --

DIO: Or is it actions?

(b)(6) 1: Because some of the factors that play into this one that don't else where, the (b)(3)130b, (b)(6) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

(inaudible) (b)(1)1.4c, (b)(3) 50 USC 3024(i) Where was that last, there was something that went on down south, they had some civilian dead, when they brought it up to the local

leadership of that particular province, they were like yeah, those guys were a bunch of criminals, we really don't care.

DIO: Twenty-seven Marines killed -- well, they dropped [redacted] (b)(1)1.4c, (b)(3) 50 USC 3024(i) because that they were in the process of a tick with, went in there and it was seven, like five women and two children or two children and -- or five children, two women, something like that. They did the key leader engagement afterwards, we're sorry, that was it. They didn't hear anything more about it.

MALE VOICE 2: [redacted] (b)(1)1.4c, (b)(3) 50 USC 3024(i)

[redacted] (b)(1)1.4c, (b)(3) 50 USC 3024(i)

start that.

DIO: Right, and they did all that, but I think just as important was, it ain't the

ZERKO valley and people didn't have the political and tribal ties.

MALE VOICE 2: I mean, they have the individuals there that have the direct line to KARZAI. You have guys that are in that ZERKO Valley that can just pick up their cell phone, Taliban commanders on speed dial and they are speaking directly to them.

LA: What is the relationship with RC west like and the Italians?

MALE VOICE 2: There really is not, between S J SOTF and the Italians, there really is very little of the relationship because the Italian is General ARENA, I believe, is still the battle space owner for RC west. He is collocated with the MSOC Headquarters element that is at Herat at Camp ARENA -- actually, no, it's not named after him. But they're collocated there long with the R-SIC west commander, [redacted] (b)(3)130b, (b)(6) The relationship between the S J SOTF and the R-SIC west commander right now is excellent. [redacted] (b)(3)130b, (b)(6) are on the same sheet of music because [redacted] (b)(3)130b, (b)(6) is dealing directly with the participant and to improve the ANSF presence in the units that are out there, so we both have the same interests so they are doing very well. The Italians are, it's like the civil war for them. [redacted] (b)(1)1.4a, (b)(1)1.4c, (b)(3) 50 USC 3024(i)

[redacted] (b)(1)1.4a, (b)(1)1.4c, (b)(3) 50 USC 3024(i)

[redacted] (b)(1)1.4a, (b)(1)1.4c, (b)(3) 50 USC 3024(i)

We just got lucky because two UH 60s from Kandahar from Task Force Eagle happened to be doing a recon prior to them forward staging that element out there, just happened to be touching down in FARAW and they got tasked to come pick up a couple of my guys, [redacted] (b)(1)1.4c, (b)(3) 50 USC 3024(i)

[redacted] (b)(1)1.4c, (b)(3) 50 USC 3024(i)

JA: [redacted] (b)(1)1.4a, (b)(1)1.4c, (b)(3) 50 USC 3024(i)

MALE VOICE 2: Yeah kinetic operations. I mean they've been reporting in the past and you can talk to [redacted] (b)(3)130b, (b)(6) I mean he's the subject matter expert out there, but several different

times reporting that the Italians before, when the ZERKO valley was placed off limits to coalition forces, that was because of the tribal and the ability to directly call KARZAI and he immediately shut down operations. (b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

We have pictures, the pictures that we have for (b)(6) and we've killed two H V Is, captured two H V Is and wounded two or H V Is and as the (b)(6) said, we have totally screwed up RC west for the insurgency. They are upside down. (b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(3) 50 USC 3024(i), (b)(6)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

IO: So turning over to the Italians, the battlespace doesn't necessarily help anything.

LA: They're FAWBITS in a sense?

MALE VOICE 2: (b)(1)1.4a

(b)(1)1.4a

(b)(1)1.4a

(b)(6) 1: Well, you got MSOC (b)(6) down in delta province.

MALE VOICE 2: (b)(1)1.4a

(b)(1)1.4a

(b)(1)1.4a

IO: Right.

MALE VOICE 2: But the Italians they don't do a single thing.

IO: Didn't you say that, or did I read or you said that wasn't it (b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(6) 1: Yes, in (b)(1)1.4a they were the ones that submitted it and (b)(1)1.4a and said hey, Task Force 45 isn't doing anything with this, we'll take it.

MALE VOICE 2: Is and we tried to incorporate the Italians into ARAM TANDER two. Task Force 45 was a part of the task organization when SOC-C produced the, when they produced that order and cut that order for that operation and they were given tasking purpose that they worked on and what we call the OPS BOX ONE and they were supposed to have a heavy role and I think they did more boozing than leaving the wire than anything else.

MALE VOICE 1: Back up for a second, ARAM TANDER two just to tell them was the initial.

MALE VOICE 2: Operation ARAM TANDER two.

IO: Timeframe?

MALE VOICE 2: Was basically from one --

DIO: Early August?

(b)(6) 1: No, July.

MALE VOICE 2: 1 July until I think 1 September was when it was supposed to -- for the duration and just happened to have General MCKIERNAN out there with (b)(6) (b)(3)130b, (b)(6) and we briefed them on their own I brief and we're like the thing that's inhibiting us out here is the fact that to drive to any of these targets they will be burned every single time that we're there. And RC west because no one has targeted anyone actively or pursued anyone, these individuals have the same location day in and day out where they're utilizing.

DIO: (b)(1)1.4c, (b)(3) 50 USC 3024(i) does not change?

MALE VOICE 2: It just doesn't change which made it very easy for us to target them because no one wanted to be out there and General MCKIERNAN was like I'm going to do anything I can, and he basically was the one that allowed us to get (b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

VERBATIM STATEMENT

OF
CJSOTF Personnel
On
17 Sep 08

PERSONS PRESENT:

Brig Gen Mike Callan, Investigating Officer (IO)

(b)(3)130b, (b)(6) Deputy Investigating Officer (DIO)(b)(3)130b, (b)(6) Legal Advisor (LA)(b)(6) 1, (Unknown Witness)(b)(6) 2, (Unknown Witness)

Male Voice 1, (Unknown Witness)

Male Voice 2, (Unknown Witness)

MALE VOICE 2: Their analysis over the past 4 months has been very, very good. They've been right on the majority of the time. We had the August 4th IED strike that killed Captain Lawton. And that was kind of -- you know, that was in the wake of our whole Zerko Valley. I mean, we went in there and we totally disrupted everything that they were doing. And (b)(6) and his merry men tried to regroup. They sent about -- for about 8 hours, once we were on the objective, about three or four different groups of five or six guys, tried to shoot at us, trying to see where we were at, what we were doing and we immediately, you know, we took care of those threats. And he was north trying to gather additional support. No one wanted to support him.

So you go from being the senior Taliban commander in probably in the biggest sanctuary in RC west. In a span of 8 hours, he went from a somebody to an absolute nobody. And then, I think he has been trying to push out and say, "Look, we can't match manpower, firepower. We're gonna throw out some IEDs at least try to save some phase, which I think is what August 4th was. Then the Azizabad operation occurs and in the vacuum of that, with all the negative fall-out on the political side of the house. He is trying to utilize that vacuum to get his support to show that he is still a threat within the area. So now, what better way than to go after the biggest target that the government has within the Shindad District.

DIO: (b)(6) what's his relationship with Mo sudeke?

MALE VOICE 2: I couldn't answer that question, sir. I don't -- I do not know.

DIO: And the one -- (b)(1)1.4c, (b)(3) 50 USC 3024(i) Initially, only one made it back here during the V-TIF, right?

MALE VOICE 1: Yes, sir. That's correct.

DIO: Which guy is that? I saw in the original SSE, one of these guys, (b)(6), was tagged as Sudeke's right hand man.

MALE VOICE 1: Right.

DIO: Is that who you made?

MALE VOICE 1: Yes, sir.

DIO: Is that who you still got a hold of?

MALE VOICE 1: That's the guy that eventually made it here.

DIO: Okay. That was a handsome collection.

MALE VOICE 1: Yes, it was, sir. Quite the Motley Crew.

IO: Again, as we're watching this, if you would, just explain everything you think is significant. The next question, I'm going to talk with (b)(3)130b, (b)(6) and maybe you, too, but can you give us some sense for the unit trigger? (b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(3)130b, (b)(3) 50 USC 3024(i), (b)(6)

MALE VOICE 2: When you go out there, speak with (b)(3)130b, (b)(6) He is the (b)(6) Manager.

(b)(3)130b, (b)(3) 50 USC 3024(i), (b)(6)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

Initially, we're like, "Okay."

I'm always skeptical and I believe all the leadership that was out there was very skeptical. Like, our end was like, "We got it. Good. Continue to drive this. Figure out a time line because we have to go through the planning process. We have to get the SOTF. We have to get the [inaudible] to get this approved for the TST." (b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

We don't get the call. It comes and goes. We're like, "All right. This thing's not gonna happen." And I remember specifically about 2000 local, we were out doing some team cross training on

the 120 millimeter mortar and (b)(3)130b, (b)(6) comes out and he's like, "We've just received a call," that

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

IO:

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

MALE VOICE 2: Yeah. He was ----

IO: He was working his own ----

MALE VOICE 2: Correct.

IO: --(b)(1)1.4c, (b)(3) 50 USC 3024(i)

MALE VOICE 2:

(b)(1)1.4a, (b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4a, (b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4a, (b)(1)1.4c, (b)(3) 50 USC 3024(i) ----

(inaudible): Somewhere like here and here.

MALE VOICE 2: "Somewhere around here, guard post. They're not going to ----"

(b)(6) 1: What I remember was, down here at 41 was the sentry who had fired the warning shot and then there was going to be a further guard posting here; and then, of course, whatever they had on 1, 2, and 3.

IO: Okay.

MALE VOICE 2: So as -- after seeing how the operation went down, I mean, the information that he reported to us was right on; received a one single warning shot. You can talk to (b)(6) (b)(3)130b, (b)(6) and they moved about another 15 meters before they started receiving fire, I believe, from buildings 44, 43, and then again from 1, 2, and 3. So, I mean, everything that we're being told was right on.

Now, I can't tell you whether or not it was tribal or not.

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

IO: Okay. As far as you know, nobody PID'd Sudeke?

MALE VOICE 2: No, not that I know, sir.

IO: Okay. And during the SSE portion, we don't have a PID of Sudeke either?

MALE VOICE 2: Negative, sir.

IO: Okay.

MALE VOICE 2: But you have conflicting reports

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i) -- my 3 years on the team was up so I had to be replaced, but you know, I've read a little bit on the news. I've tried to not read as much as possible because it just -- it gets everything going because it's a very, very sore subject, obviously, with the guys out there because we did everything right. We utilized the proper force. We did everything, you know, we could. And now, supposedly, the target shows up someplace west of us and he's on some radio show talking about "Hey, no, I'm still alive."

IO: Maybe it was, maybe it wasn't.

MALE VOICE 2: Maybe it was, maybe it wasn't. Roger, sir.

IO: Yeah. Well, again, you know, we're reacting to the Acting CENTCOM Commander's guidance, so ----

MALE VOICE 2: Understood, sir.

IO: ---- you should, as we talked about on the VTC, you should continue to do the [inaudible] of the ROE, which it appears as if -- you report here, you did. You should hold your men accountable. You always should. And you should go through the clearing process as you described to get proper approvals. And it seems as if you did.

So to the degree you have contact with them and to -- from our perspective, when we get that, we're gonna tell them that. Okay. It's a sore subject with regards to activities that you're personally involved in in Ops. But if you do -- if you're clean, then forget about it. Okay?

MALE VOICE 2: Roger, sir.

IO: That goes for you to.

DIO: Who approves the CONOP originally? How did that get approved? Ya'll are TACON to 101, right? But only for RC East?

(b)(6) 1: Only for I want to say it's ----

MALE VOICE 1: We're TACON [inaudible] internal defense. For this particular thing, particular operation, because it was an RC West and because it didn't involve any 101 assets, basically SOTF, then the CJSOTF approved, went up to DECON ISAF, was approved there and the RC West commander concurred. And as I understand the time line, because it was a TST, it was relatively -- that concurrence happened very -- within minutes, I think, literally before they rolled out the gate.

But 101 was not in that approval process, still are not in that approval process ----

DIO: But they directed the investigation?

MALE VOICE 1: Yes, sir.

DIO: Why?

IO: They were told by the ISAF commander.

MALE VOICE 1: Yeah, roger.

DIO: Right.

MALE VOICE 1: I don't think it was their choice, sir.

(inaudible): No.

(inaudible): Yeah.

(inaudible): [inaudible]

LA: As for the record, neither was it ours.

(inaudible): That's ----

IO: 101 is a national command element.

Yeah.

COM US forces [inaudible]

(inaudible) Right.

IO: So, but then RC East, 101 obviously, is in the ----

MALE VOICE 1: Oh, yes, sir.

IO: ---- chain?

MALE VOICE 2: Cause they own all the battle space.

Yeah.

Correct.

MALE VOICE 1: [inaudible] using their assets, rotary wing primarily.

IO: So I'm clear on the acronym soup you just threw at me, are we talking General Tucker?

MALE VOICE 1: Yes, sir. Yes.

MALE VOICE 2: In addition, sir, in that whole approval process, which we -- I know the ----

MALE VOICE 1: Well, I think it ----

MALE VOICE 2: ---- battalion commander ----

[inaudible]

MALE VOICE 2: Well, the battalion XO out there ----

(inaudible

MALE VOICE 2: ---- tried to ----

[inaudible]

MALE VOICE 2: ---- pull [inaudible] afterwards and came up with some FRAG-O to try and help cover his bosses ass, which was (b)(6). But every time we went to do a mission of any type of TST or there was a couple times when we actually almost were on the TREX and then we stood down, but immediately upon the warning order pushed out to our men, we had our advisors go over and push out the warning order to the commando element that was on standby and then immediately, myself and (b)(3)130b, (b)(6) go to (b)(6). He knows all the specifics. If we're gonna get ourselves out of FID here, we came up with the assumption, we're not gonna hold anything back from him. We just cant or they're never gonna learn.

So, (b)(6) knew the man, the target's name, who knew the location; he knew the number of PAX that were going. He knew all the specifics. He knew everything that I knew about the operation.

DIO: He did not go on the operation?

MALE VOICE 2: No, he did not.

DIO: Okay. Who was the senior Afghan?

MALE VOICE 2: I do not know the platoon leader's name, sir. But I know (b)(3)130b, (b)(6) has 40 additional statements, sworn statements, from the Afghan soldiers that were on the objective. And it talks about exactly what they saw and what they didn't see.

DIO: Okay. And those weren't part of the investigation?

MALE VOICE 2: No, they weren't.

(b)(6) 1: No, they were not, sir.

MALE VOICE 2: When we ----

(b)(6) 1: They came up later so ----

IO: Well, ----

LA: Very convenient.

IO: All of that is new information.

(b)(6) 1: Now ----

MALE VOICE 2: That came about ----

(b)(6) 1: ---- they're not necessarily sworn statements, but they are statements ----

LA: They're sworn before Afghan attorneys.

IO: They are official statements.

DIO: There we go.

IO: In the name of Allah.

(b)(6) 1: And here's another copy of the video, if you don't already have that.

[inaudible]

[inaudible]

Yeah.

(b)(6) 1: Okay. You got it.

MALE VOICE 2: I can't remember why (b)(3)130b, (b)(6) did that. I think when ----

IO: Did what?

MALE VOICE 2: They went and made all the sworn statements because it was supposed to be a joint investigation.

(b)(6) 1: Right.

MALE VOICE 2: ---- that was supposed to go out that you guys were ----

(b)(6) 1: They were talking about having UNAMA come up for ----

Was that the 500 ----

MALE VOICE 1: That was the 500 pounder----

IO: So we're pretty late in the ----

UNKNOWN: We are. And that was basically the last hurrah.

LA: Whew. There we go. That just decimated the building.

[inaudible]

(b)(6) 1: Big cloud of dust, but really, when you take a look at the damage (b)(1)1.4c, (b)(3) 50 USC 3024(i)
(b)(1)1.4c, (b)(3) 50 USC 3024(i) it wasn't that significant. It was dropped in the right place to minimize the ----

IO: Collapse the whole thing in.

UNKNOWN: And that is on the (b)(1)1.4c, (b)(3) 50 USC 3024(i) of the stats.

IO: Because it wasn't an air burst.

It was -- it was ---

(b)(6) 1: Right. We didn't have the ability to change it (b)(1)1.4c, (b)(3) 50 USC 3024(i) .

IO: Which is good.

(b)(6) 1: Yes.

IO: It was an air burst.

MALE VOICE 2: Now I know when you read, I think it was (b)(3)130b, (b)(6) sworn statement, I believe he was the -- one of the individuals that went into that location.

(b)(6) 1: Actually, I talked him through his walk across that location and dealing with the Manish Afghan women, that sort of thing, so ----

[inaudible]

(b)(6) 1: And finding the guy there. Now, I don't remember him putting all that in his statement but that was specifically from our discussion when I sat down with you and all the ----

MALE VOICE 2: I know ----

(b)(6) 1: ---- element leaders.

MALE VOICE 2: ---- he stated he was in that location and there was people still alive in that building, in that compound area.

IO: In the compound, not the building.

(b)(6) 1: Right.

MALE VOICE 2: Right. I mean, literally, 10 to 15 feet away from where the bomb impacted.

IO: And that was building 36 or 39?

(b)(6) 1: I think it was 35.

MALE VOICE 2: I think it was 35, sir.

(b)(6) 1: 35, right there.

IO: Well, there -- you had portions of your assault team actually in the area trying to convince them to go to their places and they didn't want to.

(b)(6) 1: That was -- they were here in building 25, and this is them coming out of building 25, right now, after the strike.

IO: After the strike.

(b)(6) 1: Yes, sir. Apparently, 500 pounds of (b)(3) 50 US showing up nearby will convince you to move.

IO: Oh yeah? [inaudible] to leave, like your team tried to convince them before that.

MALE VOICE 2: I'm pretty sure [REDACTED] (b)(3)130b, (b)(6) I believe they trampled all over this side of the objective and portions of this side of the objective as well.

[REDACTED] (b)(6) 1: Right. Well, they had to -- they got up here. They witnessed the explosion in building 15 where the mines were. Then they had a couple guys attached to them to escort them across over here to 1, 2, and 3 so they continued filming.

MALE VOICE 1: [REDACTED] (b)(3)130b, (b)(6) is here at the CJSOTF. He was the [REDACTED] (b)(6) officer for ----

[REDACTED] (b)(6) 1: For the embed.

IO: [REDACTED] (b)(6) guy?

MALE VOICE 1: I don't know what his title is to be honest with you, sir.

MALE VOICE 2: He's the [REDACTED] (b)(6) officer at the CJSOTF

IO: Poor bastard.

MALE VOICE 2: I can tell you it was very nice to have that team out there with us.

IO: Yeah, the Fox team?

[REDACTED] (b)(6) 1: Yes, sir. Having them on the objective helped support our claim significantly, especially as we get closer to the end of the video, where they're walking around and you can see some of the rubble. And ----

MALE VOICE 1: See the [inaudible]

[REDACTED] (b)(6) 1: ---- kind of get a picture of the level of destruction or not so much destruction as was claimed later on.

At this point, it's what, about 4:30?

MALE VOICE 2: I'd say it's approximately 4 a.m., give or take 30 minutes.

[REDACTED] (b)(6) 1: 'Cause it looks like the ambient light's coming up enough -- they should be switching over to ----

MALE VOICE 2: I think sunrise was about 5.

[REDACTED] (b)(6) 1: Yeah.

IO: [REDACTED] (b)(3)130b, (b)(6) [REDACTED] (b)(6) did you get any statement from him?

[REDACTED] (b)(6) 1: [REDACTED] (b)(6) No.

MALE VOICE 2: He was gone.

(b)(6) 1: He ----

IO: [inaudible]

MALE VOICE 2: He was gone in a heartbeat.

(b)(6) 1: The 22nd, I got notified that I was going out there. He got notified that he was going to Kabul. On the 23rd, by the time I had flown out there, he had already departed for Herat to make his way to Kabul to be -- to find out that he'd been fired.

IO: Where is he now? Do you know?

(b)(6) 1: I want to say they were -- there was talk of him getting a position somewhere within (b)(3) 50 USC 3024 (b)(1) although he was fired ----

IO: Fired upwards?

(b)(6) 1: Yes. Some -- you know, screw up, move up, or something. I don't know.

MALE VOICE 2: Now, I know -- this is -- this is just for -- with clearance and so forth. We've received reporting, and I know you received the same reporting through (b)(3) 130b, (b)(6) lot of -- I mean, a lot of what came out of Azizabad was guys trying to jockey and politic.

LA: Oh, yeah. They're using this -- this is definitely ----

IO: Catalyst.

LA: Within the tribe and the government.

IO: So (b)(6) we didn't get any ----

(b)(6) 1: No, sir.

IO: ---- testimony from him?

MALE VOICE 2: We talked to him ----

(b)(6) 1: We were never able to talk to him.

MALE VOICE 2: We talked to him, I think -- the night before he came out, he called us on the phone. I mean, (b)(6) is, you know, for the three different trips I've had between OIF and OEF and almost 2 years down range, out of all the different individuals I've worked with from the local national side of the house, single-handedly the best officer I've had the

opportunity to work with. Understood, took our recommendations, took our guidance, but at the same time didn't roll over. When he didn't think something was right or didn't like the way the direction was going, he was like, "I got it. Let's try it or how about we think about doing it this way." He -- 99 percent of the time, he was with us because simple 7-8 type stuff, simple doctrine. I mean, we weren't doing anything crazy out there. I mean, we tried to -- we tried to instill in the commanders and any partnering unit that we work with that hey, the basics is what's gonna get you guys survivability on the battlefield.

And I mean, I remember him,

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(3)130b, (b)(3) 50 USC 3024(i), (b)(6)

(b)(3) 50 USC 3024(i), (b)(6)

IO: So we get this accurate, you're saying that (b)(6) called you ----

MALE VOICE 2: That night ----

IO: ---- and said that he's getting pressured ----

MALE VOICE 2: ---- (b)(6)

IO: ---- and he needs you to stand by him for the facts?

DIO: The night of the 22nd?

MALE VOICE 2: I believe the night of the 22nd. He called us on the cell phone. We're like, "Sir, we're doing everything we can." And he ----

(b)(6) 1: 'Cause you called me and had me hit up (b)(3)130b, (b)(6)

IO: Did he indicate who was pressuring him at the time?

MALE VOICE 2: No. At that time, from, obviously through the translator, what we understood was that he was fired, but there was a possibility that -- there wasn't a -- it wasn't truly definite that he was fired. But he had been told that, so we tried everything we could with what little pull we had

(b)(3) 50 USC 3024(i), (b)(6)

(b)(6)

(b)(6)

Fired.

IO: Did anybody in that exchange offer as to why?

MALE VOICE 2: No, not that I know of, sir. And I believe (b)(3)130b, (b)(6) did more of the communications with (b)(6) so you may want to make a note, sir, to talk to (b)(6) (b)(3)130b, (b)(6) to get the actual specifics of that phone conversation.

LA: Okay.

IO: Did (b)(6) have anything to say (b)(1)1.4c, (b)(3) 50 USC 3024(i) mean, did he ----

MALE VOICE 2: Everything that came from (b)(6) in the one or two days that he was there, was coming through that investigation team that initially showed up at our doorstep the following day, (b)(1)1.4c, (b)(3) 50 USC 3024(i)---

LA: The second piece next?

MALE VOICE 1: Yes, sir.

LA: Want to go ahead and hit it?

MALE VOICE 1: Okay.

LA: Thank you.

MALE VOICE 2: The intel guys out at Shindad have a list of representatives that came out and there was a, I want to say like a Congressman or the equivalent of a Congressman, from Herat that comes up to the legislature.

LA: Parliament member?

MALE VOICE 2: Yes. I cannot remember his name. But ----

LA: Is it the guy who is also part of the commission?

MALE VOICE 2: Yes. He was a part of that commission. And I ----

LA: Okay. Same guy. He's from Herat?

MALE VOICE 2: Yes.

LA: Okay. Yeah, I know who you're talking about.

MALE VOICE 2: I was the single American with members from Parliament, NDS, other different organizations. They came over and wanted to know what occurred. And I had no problems sitting down, and I explained to them the exact facts. But you could tell, that one member continued -- just the way that he was eye-balling me, you could just tell that no matter what I said, it was automatically false. And what was even funnier was this Parliament member, (b)(6) and myself -- because we had nothing to hide. We showed them -- they asked us if they could see the cache and everything that we took off the objective. That's where you saw some of the footage on the AP. I mean, we had no problems showing everything we had. So we brought them over, and I remember specifically, he asked to step aside and talk to me with the (b)(6) and they made mention of, you know, they made mention of "make sure when you're doing operations in the future that you talk with us to let us know what you're trying to do," and then additionally, "you never know when some of this stuff is tribal". It was almost as if he was trying to cover his tracks of some sort. And then immediately, right as the conversation was ending, they were laughing together.

IO: And that was the Parliamentary guys?

MALE VOICE 2: Yeah, the Parliamentary and the (b)(6). As if everything was fine. Our actions were justified. There was no issues and they shook my hand and they smiled and ---

LA: When was that meeting?

MALE VOICE 2: What was that, sir?

LA: When was that meeting?

IO: The 22nd.

MALE VOICE 2: I want to say it was the -- the morning of the 21st is when we returned, correct?

DIO: The morning of the 22nd.

(b)(6) 1: No, it was the morning of the 22nd.

MALE VOICE 2: It would be -- I believe it was the afternoon of the 22nd when they showed up.

IO: At the end of the media day?

MALE VOICE 2: Yes.

IO: Yeah, that was the 22nd.

MALE VOICE 2: Okay.

IO: Okay, so going back to the trigger, (b)(6) understood (b)(1)1.4c, (b)(3) 50 USC 3024(i)
(b)(1)1.4c, (b)(3) 50 USC 3024(i)?

MALE VOICE 2: No.

IO: (b)(1)1.4c, (b)(3) 50 USC 3024(i)?

MALE VOICE 2: I couldn't answer that, sir. I don't know.

IO: Okay.

IO: Other -- the far side has come out and say, (b)(1)1.4c, (b)(3) 50 USC 3024(i) It was -- this was rival tribals going at each other ----

MALE VOICE 2: From my opinion, no, sir. I don't believe that occurred.

IO: Well, it doesn't sound like it's inter-tribal. It sounds like -- if anything, it would be intra-tribal (b)(1)1.4c, (b)(3) 50 USC 3024(i) ----

(b)(6) 1: Reza.

IO: ----Reza?

(b)(6) 1: Yes, sir.

MALE VOICE 2: I don't know. I don't -- I'm not that familiar with the intricacies of who was who.

IO: Who would be?

(b)(6) 1: (b)(3)130b, (b)(6) out there.

IO: (b)(3)130b, (b)(6)

MALE VOICE 2: Or (b)(3)130b, (b)(6)

(b)(6) 1: Yep.

IO: Is he -- who is (b)(3)130b, (b)(6)

(b)(6) 1: (b)(3)130b, (b)(6) is -- he's our (b)(6) But he's currently been pushed forward out there with the support team that's ----

IO: He is at FB Thomas?

(b)(6) 1: Yes, sir.

MALE VOICE 2: (b)(3)130b, (b)(6) has got an extensive experience with RC West, especially with what occurred in 2007.

IO: We need to get with him, too. That's one of things we're trying to -- you know, it appears to us that the Afghan government is trying to back off the position a little bit and say, "Okay, (b)(3) 50 USC 3024(i) (b)(1)1.4c, (b)(3) 50 USC 3024(i) this horrible thing happened." But we're still together and trying not to use it so much as a wedge as they were initially. They're just trying to get us to buy off on the 90, you know, civilian KIA and we'll take that (b)(1)1.4c, (b)(3) 50 USC 3024(i)

MALE VOICE 2: You hear so many different things. I mean, I've -- you know, from what I saw, I saw the five non-combatants. I saw, I think, it was seven enemy combatants and we medivac'd, you know, two women. And from our reports that I received from everybody that I talked to; and I admit, I was not on the objective because just -- it's easier for, like I said before, to C2 everything from where I was located ----

IO: Yeah. Now, ----

MALE VOICE 2: And from everybody that I talked to, obviously, we sat around and we discussed this for days in and days out, and you know, I never saw anybody say anything different. Everybody was like, "That's all we saw. That's all we encountered. We looked at everything that we could and some of the locations that we could see, you know, from an observation point we checked and we did everything we could."

LA: Let me ask you then two questions. You say that there were seven enemy or excuse me, seven enemy killed ----

[inaudible]

(b)(6) 1: Well, on the ----

[8:15:22]

(b)(6) 1: ---- 1, 2, and 3. That was ----

Right.

(b)(6) 1: That was the primary objective. There were others -- other bodies across the objective as well and as you read through the sworn statements, you'll see guys talking about, "Hey, we found a military -- dead military aged male with chest rig and weapon ----

[inaudible]

Well, this ----

IO: I mean, it really played devil's advocate because it -- again, what we're trying to get to is what we know and how we know it.

(b)(6) 1: Yes, sir.

IO: And we say, "We killed 30 guys." And understand, I'm not a JAG. I'm an infantry officer for a battalion, 4th Marines, for two tours in Iraq and then regimental command and so I've got the merit badge too, and I have seen the bits and pieces. My understanding is these guys were blown to smithereens not 60.

(b)(6) 1: No way.

IO: So -- and the weapons, more or less stay in tact, too. So if I'm looking at this from the other side, and we lay out eight bodies, is what we've got, no kidding, photographic evidence of, guys with chest rigs and everything else, and we lay out ten weapons: AKAs, an RPK, and a PKM, and assorted grenades and pistols and a bunch of full magazines, not a lot of empty magazines, where do we get to the 30?

So I can buy empirically hard evidence that I can touch and see, you know, ten guys. And I would say two are blown to smithereens or nothing left, you know. Direct hit from 105 will do it to you or the 500-pounder. But you know, how did we get the other 30?

MALE VOICE 2: Sir, that was just based upon what the (b)(1)1.4a footage was telling us.

IO: Okay. So that's what they're telling you?

(b)(6) 1: Right.

MALE VOICE 2: That's what they're telling us. Before they depart, they leave off station.

(b)(6) can confirm the exact number he stated. But between what he was stating and what we had on the ground, it totaled somewhere between 30 to 35, and which even though the Afghan government is saying that yeah, someone played somebody, but with all the reporting and everything we've seen (b)(1)1.4c, (b)(3) 50 USC 3024(i) the numbers, down to the fact that this guy, hey, they're gonna have a single shot at you" from our perspective and everything that we've been told and everything that we've seen, very good target, no doubt about it, AAF. And we did what we had to do to ----

No, I ----

No, I understand.

(b)(6) 1: I, basically used the number from the (b)(1)1.4a Op [inaudible] that said 30 to 35 KIA. And then with that -- how did we come up with -- let's see, it was 18 ----

MALE VOICE 1: It was 18, plus 17 and ----

(b)(6) 1: Plus the 17 (b)(1)1.4c, (b)(3) 50 USC 3024 that had been speared off to other locations. Now, with it, of course, you're assuming something about the reliability of that reporting and since it was Afghan's giving those numbers, it could be as few as two bodies were removed and it could be as many as 18. Some of the counting in the past has been questionable and usually, at least in RC East when we get a body count from Afghan's, you just drop a zero off of it and that's roughly the truth.

IO: But 9, 5, and 3 is pretty specific. It says 9 went here, 5 here, and 3 here. That's pretty specific. Even though -- and that all matches up to the 35. And then that matches to graves that we see, too. So what I'm saying is in the rest of the SSE, we only conducted photographs of the guys on ----

(b)(6) 1: 1, 2, and 3.

IO: ---- targets on 1, 2, and 3.

(b)(6) 1: Yes, sir.

IO: Buildings 1, 2, and 3 which was the main objective. You don't go around taking pictures of every dead guy out there, which is maybe something we need to do in the future ----

MALE VOICE 2: Well, it just ----

IO: ---- time permitting.

MALE VOICE 2: I mean, you guys -- you'll see the SSE SOP that our ----

IO: Oh, no.

---- 18 Fox Delta ----

(b)(6) 1: They've been through it.

Okay.

(b)(6) 1: They've got the whole packet.

MALE VOICE 2: So, I mean, that's just something -- you know, it was funny when he was getting those questions from, I think it was ----

(b)(6) 1: From 101.

MALE VOICE 2: ---- and from 101, we just thought, you know, because you produce these products, you put enemy combatants on there and you show -- the less carnage that you have on

there, there's a less chance that somebody's gonna take one of these photos and the next thing you know it's circulating some place it shouldn't be ----

IO: Gotcha.

MALE VOICE 2: ---- in this day and age, so ----

IO: Gotcha.

LA: Like they take the guys that you just had -- they took pictures of when they dressed them up and ----

MALE VOICE 2: Oh, yeah. That was amazing.

(b)(6) 1: Wrapped them in blankets.

LA: But one of the questions I have ----

IO: Say that again. They took some of the ----

MALE VOICE 2: You'll see the ----

IO: ---- guys that you had photographs of ----

MALE VOICE 2: That had ----

IO: Chest rigs?

MALE VOICE 2: ---- chest rigs. They wrapped them up, put them next to little, you know, next to children and made them -- well, at least from ----

(b)(6) 1: And it's part of that video. We have some stills from that video.

IO: Good. Okay.

(b)(6) 1: I've not seen the full video, which I'd love to do.

LA: We actually have additional video that we'd like you to watch.

Yes, sir.

But ----

IO: No. Stand by.

: Go ahead, sir.

Go ahead and finish.

(b)(6) 1: Well, just -- what I -- what we did, (b)(3)130b, (b)(6) sent me the initial product where they had identified two of the dead combatants and showed their stills from the video side by side. And then there was one of a younger individual who looked probably early teens but still packing heat in the picture that we had, "Hey, here's his PKM." And now, here he is in a blanket, wrapped up, laid out all nice, like he'd been sleeping. So obviously, (b)(1)1.4c, (b)(3) 50 USC 3024(i) an attempt to put us in a bad light with the bodies that were on the objective.

LA: You guys did a great SSE job. I mean, I -- I -- you know, looking at this, I was going -- we had originally received it when we were in Qatar, days after, and we're like, "Wow. Okay, great."

But the one issue that I'm confused by, and it may be explained by intel or what the (b)(1)1.4a guys were telling me is, the delta between the amount of guys you confirmed killed, eight on the objective, versus the 30. And if you're saying that there's a number that were blown to bits, et cetera, could you also extrapolate that some civilians may have also been blown to bits?

(b)(6) 1: Yes, sir.

LA: The thing is ----

MAJOR 1: That's reasonable.

IO: But if they were, they wouldn't be rolled up in blankets.

LA: No. They'd be -- they -- now, did you all find, as part of your SSE, body parts?

MALE VOICE 2: Yes, they did.

LA: Okay. That was ----

MALE VOICE 2: To what extent, sir, I don't know.

LA: I know one of ATAF was talking about that. I'm just wondering if that was something that was -- I mean, was it littering or was it just concentrated ----

MALE VOICE 2: Sir, I can't answer that question. I wasn't -- I wasn't there.

LA: Okay. You were still on outside?

MALE VOICE 2: I stayed on the outside the entire time.

LA: Okay. Let's ----

MALE VOICE 2: I just don't like running around the objective and getting tired with all that body armor on, so it's easier to stay in the truck.

(b)(6) 1: The guys you see in the baseball caps with no weapon are the [inaudible].

MALE VOICE 1: Yeah. I've already ----

(b)(6) 1: Oh, you're already talked through it, okay.

They're not the assassins ----

(b)(6) 1: No.

---- that were sent in.

No.

(b)(6) 1: He's trying to pick which guy to kill [inaudible] as ----

What was ----

[inaudible]

MALE VOICE 2: I know the relationship really has never been strained. Between us and the commandos, it's been a great partnership down there. But what was touch and go for while there is, they may not have AC in their buildings and their dining facility may not be up to par, but they definitely spend all their money and make sure they hotwire some type of satellite dish onto a TV in their rooms and they watched as this was all ----

(b)(6) 1: On the Afghan ----

MALE VOICE 2: ---- debating on the Afghan media and they don't know what to believe. We were here. We didn't see this. But at the same time, you know, you got some of those younger guys that are influenced by the media and they're like, "Oh, this is what you guys did." So it's been definitely a roller-coaster ride.

IO: Do you know if anybody in the -- either the Afghan government or this commission ever interviewed the commandos?

MALE VOICE 2: I would say no.

(b)(6) 1: To my knowledge, no. When we sat down with UNAMA and the -- down at ISAF, they did not mention talking to any Afghan soldiers. It was all people in the local area out there and they said they ----

IO: Meaning villagers?

(b)(6) 1: That was what they claimed. However, I don't know how they verified who lived in what hooch.

LA: The information we're getting right now, sir, is the fact that UNAMA and HRC are both -- now have on-going investigations.

IO: Okay.

IO: But we think, though, UNAMA has produced a -- excuse me, the HRC has produced a report, right? So the commission has delivered this verdict?

LA: They have.

IO: So are they still on-going?

LA: They still have an on-going. They may have an interim report.

IO: Oh, okay.

LA: I think some of that may be based on the fact that we're in town.

IO: Okay. But we do have a commission report?

LA: We have -- we have commission videos that we ----

IO: But we don't have a commission report?

LA: We don't have it yet, sir. We're supposed to get that because they had -- they interviewed 17 folks from different locations. Some, I think, only half that were supposedly on scene.

IO: Okay.

LA: Another half that had relatives.

IO: So the Afghan commission has interviewed commandos?

LA: The Afghan commission, sir? I don't think they -- I don't ----

(b)(6) 1: We never received interim reporting ----

MALE VOICE 2: No, we have not.

(b)(6) 1: ---- of them coming to the base there, at FB Thomas, to talk to the commandos. That has not come up at all.

IO: So other than what you've got for us, that we're gonna consider this new evidence, that's the only thing that you guys know the commandos have been asked?

MALE VOICE 2: Roger that, sir.

IO: Despite they were more or less on the objective?

(b)(6) 1: Yes, sir.

IO: Not part of the ME but in the supporting element.

MALE VOICE 2: I mean, technically, they are a part of the main effort, but they just weren't a part of those -- out of the task organization of the first two tribes because when we start to go clear through all this --for this northern portion of the objective, the main effort had this side with the commandos in the lead and supporting effort 1 was broken down into two elements and the commandos in the lead, they searched and clear the entire compound. They're the first ones into every single ----

IO: So the commandos led the SSE in the clearing?

MALE VOICE 2: Yeah. They lead the clearing.

(b)(6) 1: They lead the clearing. The SSE is more our activity.

MALE VOICE 2: Just because we're on there, we're doing biometrics; we're doing photography and you're sketching. I mean, we're just trying to get to -- right now where they can do the block and attack on the solid.

IO: Okay.

MALE VOICE 2: I mean, as you guys all know, we've become like FBI agents on the objective now.

DIO: That's what it requires now, yeah. Five S's and T doesn't cut it anymore.

MALE VOICE 2: No, not at all, sir. But what's -- if you guys have the opportunity, when you talk with (b)(3)130b, (b)(6) if you read, just for historical background, read the report on Zerko Valley because they did this almost to a T, the exact same thing. They were claiming 54 innocent dead people, when they had (b)(1)1.4a footage, they had (b)(1)1.4a footage of clusters of men and, you know, machine gun positions and firing at them.

(b)(6) 1: Well, and they also had (b)(3) 50 supporting shortly after that campaign, too, that bore out that they were building their numbers in order to get money from the government so...

MALE VOICE 2: Azizabad is so close to Zerko, the same TTPs are ----

IO: Whose got that report?

MALE VOICE 2: I'm sure the inaudible has it here as well.

(b)(6) 1: I would bet that they do, yeah.

IO: Can you help us get it?

MALE VOICE 1: Yes, sir, cause we were here last year, OEF 10. This is -- talked about Zerko. That was during our watch last year as well.

IO: Right.

MALE VOICE 1: And I know they've got a -- once we get through this (b)(1)1.4c, (b)(3) 50 USC 3024(i) (b)(1)1.4c, (b)(3) 50 USC 3024(i) that the guys back there put together. If that's not a part of it, I'll make sure we can round that up.

IO (b)(3)130b, (b)(6) if you could, for the tape, can you summarize the interviews that you've got from the commandos and their testimony to indicate -- what's their reporting of -- as they were clearing the objectives, namely collection of buildings you've identified. What's their testimony with regard to how many KIA they witnessed?

(b)(6) 1: The numbers vary. They -- I believe there's one in there that's around 45. Most are down in the teens. It's -- again, it's not very specific. A lot of them, "Well, I was gunner, so --" or "I was pulling security, so I didn't see anything." And understandably so. They live in a bad neighborhood. They have to take a stand for their own protection to some extent. But the ones who did come forward and say things, again, anywhere from the teens up into the -- up into the 30, 40 range.

IO: Did they distinguish between enemy combatants and civilians?

(b)(6) 1: Yes. Yes, sir, they did. We asked -- the format or the way that we went about asking the questions, we -- we gave them ten questions, and I wish I -- I wish I had those questions right here.

MALE VOICE 2: That's (b)(3)130b, (b)(6) who was shot through the foot on initial ----

IO: Right, was the ME.

(b)(6) 1: And I did not get to interview (b)(3)130b, (b)(6) before he was medivac'd out, so I don't have his testimony. But he was there, on the objective the entire time.

IO: I'm sorry. Continue.

(b)(6) 1: We asked them ten questions and the interpreters wrote down their responses, just asking them, "Hey, did you go to Azizabad? What did you do while you were there?"

"Well, I was part of the search team," or "I was searching the houses."

"How long did the search take?"

"Four hours."

"What was different about the Azizabad mission?"

Almost to a man, they reported, "It was different because we actually captured some weapons. We -- it was -- " It was the largest haul that they'd gotten coming off of an objective in this location.

"Did you search all the buildings?"

"Yes. All the houses got searched."

"Did you see any dead bodies?"

This one, in particular, responded, "Yes, I have seen dead bodies."

"How many?"

"Yes. I have seen about 17 or 18 dead bodies."

No distinction here, but in some of the others, they talk about women, children, men, and they get more specific.

Questions #9, his response was "Yes, I saw eight bodies. They were equipped with weapons."

And then, the following response was "Yes, I have seen three dead bodies, which included women and kids."

MALE VOICE 2: What's key to note about this was, it's several days after the fact, so now you've got the media swarming. (b)(6) I know the platoon leader, I think, is of the same tribe as the battalion commander. It was kind of like his protégé. He's asking us, "Hey ----

MALE VOICE 1: Hold on a second. You guys are getting ready to hear a loud boom. This is where ----

(b)(6) 1: This is building 15, where they found all the mines stacked up.

IO: They blew those ----

MALE VOICE 2: In place

(b)(6) 1: The one with the little white pipe on it, I believe, is building 15, and there about to destroy it.

MALE VOICE: I just wanted to let you know that. That way nobody jumped.

IO: Yeah.

MALE VOICE 2: From my perspective, I think the majority of those statements, you know, are 100 percent accurate from everything that we discovered and everything that we did on the objective. But you have a couple, like (b)(3)130b, (b)(6) stated earlier, that, you know, for -- if they're thinking they get a -- for self interest, you know, they're listening to the radio and they throw a number down based upon something that they've seen on TV or heard on the radio.

DIO: What are they saying for civilian casualties?

(b)(6) 1: This one says three dead bodies that included woman and children and again, the numbers do that vary significantly from what we reported, I believe there is one, may be two in here that said they saw more, and generally what I do had I see that is I go back and see possibly what age or rank this individual was and usually it's E-4 or below so I'm thinking they were --

IO: Any tunneling in this building?

(b)(6) 1: Not that we found.

MALE VOICE 2: Negative, not that I found, not that I know of, sir. Do not know. The man that was wounded ran all over the objective too. Out of the one guy that probably should have just stayed with his element, (b)(3)130b, (b)(6) had to go all over the objective.

DIO: Shot in the heel too, looks like.

MALE VOICE 2: It was a huge gash. Luckily, because he had fat feet, he was good to go.

DIO: He was what?

MALE VOICE 2: Because he had fat feet.

LA: What buildings are they around now?

(b)(6) 1: I'm not sure.

MALE VOICE 2: I can't tell you that answer, sir. I'm gonna --

IO: You were outside that area.

(b)(6) 1: I'm thinking this is Buildings one, two, and three they have moved across but

I mean not certain, but for the level of destruction that you see here, that's the only place that I believe it's appropriate for that much of it to be rubble. And some of the -- this is definitely from Building 1 and 2 here. Because there's the gate off to the left will be the water truck. And if you pan up you would be looking roughly at Building 26.

DIO: What do we know about the water truck?

(b)(6) 1: It had been hired to spread water at the H L Z on Fire Base Thomas at one point. To (b)(1)1.4c, (b)(3) 50 USC 3024(i) for ARAM

TANDER two.

DIO: On the way down in the airplane we were having this conversation about the civilian casualties. There is no discrepancy in five plus two wounded off the objective, a 20 year-old female and a five year-old child. There was one report that said the child after being pulled from the rubble passed away shortly after that, any clarity on that?

(b)(6) 1: Well, she had made it up to Shindad --

MALE VOICE 2: She made it all the way to Shindad, she made it to Herat Med Evac'ed on helicopter, the (b)(6) that treated her believed from every indication that they saw that she was going to be fine along with the 20 year-old female, so what happened after it left our care, do not know, sir. But yes, we've received reports that she did not make it.

DIO: Okay so it was originally five cas evac to --

MALE VOICE 2: Yes, sir.

DIO: -- one of those died for a total of six. Okay.

(b)(6) 1: And that was one of the things as ISAF was pitching this to UNAMA, the guy from the human rights commission sort of spoke up at some point because we just hadn't mentioned that the girl had died to that point. And he's like oh and subsequently the girl died, right? And we were aware of that but apparently we didn't say it early enough in the brief to him for him to --

DIO: -- be satisfied with it?

(b)(6) 1: Yeah. So. That's the water truck in the upper, right about the 11:00 or 12. And it was squarely blocking the alleyway that gave access to Buildings one, two, and three. They had some difficulty getting through there.

DIO: By now the gunship has left, correct?

MALE VOICE 2: Roger, sir.

(b)(6) 1: Yes, sir. After day light they punch out pretty quick.

MALE VOICE 2: I mean the gunship stayed on. Actually they stayed on additional time, they stayed on past when they should have and not having spoken with the pilots, but I believe because of all the activity that they saw and the amount of fire that we received, I think they stayed around just to make sure that they could provide whatever assistance.

DIO: Do we know who the pilot was, who's the A C?

(b)(6) 1: No, sir.

DIO: If we could look at that, and if he's still here I'd like to talk to him. And the FCO. Let me ask this, you guys know, again, and I think from the report you said (b)(1)1.4c, (b)(3) 50 USC 3024(i) indicated 18 to 20 new graves fairly close to the objective.

(b)(6) 1: Yes, sir, very close to the objective.

IO: From a cultural perspective, help me understand, is a grave an individual event?

(b)(6) 1: That is my understanding, yes, sir.

IO: So it's not Afghan culture, Muslim culture, it's to bury what you and I would call multiple personalities, multiple folks in one grave site?

(b)(6) 1: Not to my knowledge, sir I don't claim to be an expert on it, though and I would refer that to (b)(3)130b, (b)(6) someone in the intel community that would have a better picture on that. But I personally, that is the first I've heard of it beside say mask raids in Iraq when Saddam's KEMEN people.

IO: So your S A indicates that a grave site is equal to more or less one individual?

(b)(6) 1: Yes, sir. That's highway one off in the distance there.

DIO: Approximately what time is this now?

MALE VOICE 2: I'd say probably somewhere in between seven and 6:00 a.m, sir.

DIO: And you guys are still there. You can't really tell because it's not panoramic and sorts. But I don't see the local populous. I don't hear crying, I don't hear protesting, I don't hear squat.

(b)(6) 1: That's probably the only shot of any kind of body of body parts that you're going to see just in the back ground there with the and that was FOX News, that was the camera man's own policy and (b)(3)130b, (b)(6) bought off on that wholeheartedly as well, not to photograph because they didn't want it to end up on the cutting room floor of FOX News either.

DIO: Being picked up and --

(b)(6) 1: Yes, sir.

MALE VOICE 2: I mean you're in, I have no idea who that individual is, sir.

(b)(6) 1: My understanding is that these guys started to approach while we were still in the middle of the SSE. One of the guys pulling security put a round into the wall next to them to kind of say hey, just stop. Because right here the infill van, so they were coming up the main avenue of approach.

IO: Okay.

MALE VOICE 2: (b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(1)1.4c, (b)(3) 50 USC 3024(i)

(b)(6) 1: Just on the other side of the wall to the south, it was, you got buildings one, two, and three, either compound 51 or I can it was here next to 53 which was kind of just a vehicle shelter.

IO: Did we ever figure out who that truck belonged to or it was just a random truck?

MALE VOICE 2: Negative, sir. But I mean for all the reports that I've seen throughout the three and a half months that I was at Shindad, it was time and again Taliban have either been given or stolen ANP trucks.

(b)(6) 1: Which made a somewhat issue when we went out on the C R P to take a look at the grave sites. Four ANP trucks came rolling south out of Azizabad, I mean they just busted right around the corner. It was probably over hereby building 64. The graves are just right down here. I mean they are just south of here, so when those ANP trucks came around, we were a little concerned, but it didn't escalate into anything, but knowing that the A A F have access to those types of vehicles, again, it was still a neutral encounter, but the perception of threat could have been there.

MALE VOICE 2: I mean I know since I've departed fire base Thomas they've had two KLEs with the Azizabad elders, they've gone down to Azizabad and done a A J DISTRO, nothing from what the elders are saying they are not standoffish, they're not showing --

DIO: The atmosphere don't indicate --

MALE VOICE 2: They don't indicate 90 innocent civilian casualties and a massacre conducted by coalition forces.

IO: Where are we at here, what is this?

[inaudible]

IO: Did you expect the elders would be basically holding the grudge and not letting this go?

MALE VOICE 2: Exactly, and that is something that you'll be able to speak with to the cat A team leader, (b)(3)130b, (b)(6) because we use (b)(3)130b, (b)(6) extensively, I mean it was within hours --

DIO: Who is he again?

MALE VOICE 2: He is the civilian affairs team leader.

(b)(6) 1: Civil affairs.

MALE VOICE 2: (b)(3) 50 USC 3024(i), (b)(6)
(b)(3) 50 USC 3024(i), (b)(6)
(b)(3) 50 USC 3024(i), (b)(6)

(b)(6) 1: All the hospitals.

MALE VOICE 2: With the hospitals, I mean he was on the phone I would say no later than 8:30, 9:00 a.m. that morning making phone calls to find out what was going on what he could do to help.

DIO: What's the relationship between Shindad and Fire Base Thomas? Are they collocated?

MALE VOICE 2: It's synonymous.

IO: One's an air field and the other one is just on the side?

MALE VOICE 2: Well, you have Fire Base Thomas, located same vicinity of -- you got a map? That will do.

(b)(6) 1: I'm trying to find one that is not all covered up with main effort and so forth.

MALE VOICE 2: You have fire base Thomas there, you have the air field there, and then technically Shindad.

(b)(6) 1: Is right here where this.

MALE VOICE 2: Is right here so when I say Shindad, Thomas had I say any of those words it all means the fire base, sir.

DIO: Okay. Got it.

MALE VOICE 1: I think they show the ID card.

(b)(6) 1: They do, they pull down the visor and look in there.

MALE VOICE 2: And I know immediately (b)(3)130b, (b)(6)

[An unknown party entered the room and the investigating officer summarized what has happened so far in the interview.]

IO: As expressed we are trying to take the investigation that (b)(3)130b, (b)(6) and sort of been accepted by the ISAF and as you are aware the 101 commanders, so it is a matter of record. And the designation letter from General Dempsey is to look at new evidence and see if the findings and recommendations would be different. That's our objective.

UNKNOWN: yes, sir.

IO: So to that end, thanks for hosting this, thanks again for giving us your time. Feedback and the reason we're kind of pulsing the guys on some of the questions we probably asked and you guys answered on the V T C is you were getting probably one out of every three word responses in delayed fashion, so we've kind of pulsed down in terms of some of the [inaudible] but more or less, some of the stories are not exactly with regard to most of the eye-witnesses, but they are harmonious, there's a few glitches, again, we're driving down with regard to some of that other stuff and I want to get with you with your blessing either here this morning or in your office, and go over some of the things that we talked about on the airplane down but for the most part, the report I think is extremely comprehensive, I think it covers all the quote unquote bases, I think it draws logical conclusions and again the legal review kind of validated that. So I see with your boss office call tonight and I'll see your commander, General Schloesser.

UNKNOWN: Not by boss. My boss is SOCCENT.

IO: Okay, my bad, then. Your Army warrior partner in crime.

UNKNOWN: I am supported and supporting to General Schloesser in 101.

IO: Okay, my bad. We'll see General Schloesser this afternoon.

UNKNOWN: Yes, sir.

IO: And then we see General McKiernan tomorrow. As well as the UN and the Afghan government.

UNKNOWN: There's two different stories, and this is where ISAF needs to find some middle ground. A lot of our stuff is based on facts and the parties that were there on the ground, and there were objective parties on the ground IE Ollie North and (b)(6) the camera guy, I'm glad I embedded him actually with that OP.

(b)(3)130b, (b)(6) has been in many many combat events throughout his career, and the other piece about AODA with the MSOC, you have two elements that have two leaders, two team sergeants that are very very capable and also you have commandos that have leadership there. So a lot of the funky allegation just wouldn't happen, sir. And in my heart of hearts I've always believed their story, MSOC story, and everyone we talked to and (b)(3)130b, (b)(6) was not from that unit he did a very good objective report. ISAF believes our summary our findings from the incident, but there's a lot of other political ends involved here as you know.

IO: Unfortunately I do.

UNKNOWN: And we just have to ride out the winds.

IO: And you know this, and I'll say, hopefully what was on the B T C. You have our commitment to -- the five of us are here to find the facts. We are going to either talk our way through validation of the new evidence or not, and then come back to tell hopefully General Dempsey in the next whenever the 24th is, be able to tell him exactly what the, what do we know and how do we know it, the foundation which we more or less have now. And then build on what we get downtown, to include validation when we go down to probably shoot that in Herat.

UNKNOWN: Yes, sir. And I'm relying to hook up a flight for you tomorrow night. Is it tomorrow night that you're flying to Shindad or the night after.

LA: Should be Saturday, sir.

UNKNOWN: You're going to KEAU tomorrow to go see (b)(6) ISAF in KAROUS and then the following night you're flying (b)(3) 50 USC 3024(i) to Shindad.

DIO: That's not true.

LA: It should be Saturday, sir.

UNKNOWN: Can you call up and get them over here. And what you are given.

IO: Better than kicking me out of that barrel.

UNKNOWN: Sir, I couldn't tell you the difference (b)(1)1.4c, (b)(3) 50 USC 3024(i) I really couldn't. They just show up and I get on.

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VERBATIM INTERVIEW OF

(b)(6)

(b)(6), the interpreter dialed the number and began to speak to the witness in Dari.]

(b)(6) **(INTERPRETER):** [Translating.]

(b)(6) **(WITNESS):** [Dari.]

INTERPRETER: [Speaking to (b)(3)130b, (b)(6)] What do you want of the same way we did yesterday, I ask him a question then I translate?

(b)(3)130b, (b)(6) Yeah.

[Please provide your full name and position.]

Q1 (INTERPRETER): [Translating.]

A1 (WITNESS): [Dari.]

A 1 (INTERPRETER): Okay, his name (b)(6) he's the Director and Ministry of Haj.

[Please tell us about burial practices in Afghanistan, especially in Heart Province.]

Q2 (INTERPRETER): [Translating.]

A2 (WITNESS): [Dari.]

A2 (INTERPRETER): The procedure is generally in our Muslims first once they die they are waiting give them what's it means like "wash, white, clean." Yes, clean them and then put cover them with a special cloth. What do you call it?

(b)(3)130b, (b)(6) A sheet?

INTERPRETER: A sheet, yes exactly and make the grave part and after praying, after they pray then you bury them.

(b)(3)130b, (b)(6) Bury them, okay.

[Can you bury multiple people, more than one in one grave?]

Q3 (INTERPRETER): [Translating.]

A3 (WITNESS): [Dari.]

A3 (INTERPRETER): Normally they bury each person; they will make a grave for each individual and bury them only on that grave. But up to certain condition, up to abnormal condition that is possible bury one, or two or three in the same grave. If the circumstances allow them to do it, if does not allow them to make separate graves for each and every body remains. In that case they can be buried together.

Q3 ((b)(3)130b, (b)(6) **)** What are those conditions?

Q3 (INTERPRETER): [Translating.]

A3 (WITNESS): [Dari.]

A3 (INTERPRETER): Under three conditions, number one, if there is not enough ground, number two, if there is ground but there is no means to make graves for all the people suffered.

(b)(3)130b, (b)(6) That's number two.

INTERPRETER: Number three, if it so hard like--to--to make a grave you know and doesn't allow you to dig them--the ground, under that conditions. Number two, is if there is nobody, you do not have enough human resources, people to make the graves are ancient elderly bodies.

(b)(3)130b, (b)(6) So if I understand, if there isn't enough ground, if there aren't enough means----

INTERPRETER: Means.

(b)(3)130b, (b)(6) Resources.

INTERPRETER: Right.

(b)(3)130b, (b)(6) And if----

INTERPRETER: If the ground is too hard.

(b)(3)130b, (b)(6) Is too hard to dig.

INTERPRETER: Now, number two, if you didn't have human resource to make graves, they are three conditions under [unintelligible.]

(b)(3)130b, (b)(6)

Enough human resources?

INTERPRETER: Resources to make the graves.

(b)(3)130b, (b)(6)

What do you mean you can't dig?

INTERPRETER: Dig exactly like if there is one person and a hundred people are dead, so is no way for him make subject.

Q4 ((b)(3)130b, (b)(6)) What about in a situation when you have babies? Are you able to bury them together?

Q4 (INTERPRETER): [Translating.]

A4 (WITNESS): [Dari.]

A4 (INTERPRETER): Yes, babies yes, they can be buried together under----

(b)(3)130b, (b)(6)

Islam Law.

INTERPRETER: Islam Law.

(b)(3)130b, (b)(6)

Well under these circumstances, right?

INTERPRETER: Exactly right.

(b)(3)130b, (b)(6)

Meaning you're supposed to bury separately?

INTERPRETER: Right, yes.

(b)(3)130b, (b)(6)

So, you can't bury--if you have--if you have enough ground, enough people to make and you can dig; you're supposed to bury the babies separately?

INTERPRETER: Right.

(b)(3)130b, (b)(6)

You shouldn't be putting them together?

INTERPRETER: Right, exactly.

(b)(3)130b, (b)(6)

Now, under Islamic Law.

INTERPRETER: Mhm. Anything else?

[(b)(3)130b, (b)(6)] and the interpreter are conferring.]

Q5 (INTERPRETER): What about in the case when the bodies are disfigured and have lots of pieces and parts?

Q5 (INTERPRETER): [Translating.]

A5 (WITNESS): [Dari.]

A5 (INTERPRETER): Under the circumstances if they can differentiate the body's parts, so they should try differentiate it and together----

(b)(3)130b, (b)(6) Separate them out?

INTERPRETER:----separate and each person if they can identify them. And can not identify them, under them circumstances they can be buried together.

(b)(3)130b, (b)(6) One final question.

INTERPRETER: [Translating.]

WITNESS: [Dari.]

Q6 (b)(3)130b, (b)(6) So under Islamic Law, if I understand correctly, once you have one of these [pointing at the court reporter's notes] three things, if you can dig, you have the people to dig, and you the space to dig, you must separate them and put multiples, babies or not.

INTERPRETER: Yes.

(b)(3)130b, (b)(6) You can ask him.

INTERPRETER: Okay, the same question.

(b)(3)130b, (b)(6) The same question, if you have these three things [pointing at the court reporter's notes] you can separate them, you must.

INTERPRETER: Must , okay [coughing].

Q6 (INTERPRETER): [Translating.]

A6 (WITNESS): [Dari.]

(b)(3)130b, (b)(6) One other question.

A6 (INTERPRETER): Under the same--the same thing, he just confirmed and reconfirmed it. The only difference is if it is ladies, ladies has to be----

(b)(3)130b, (b)(6)

Buried separately.

INTERPRETER: Buried separate than men, yes.

(b)(3)130b, (b)(6)

Final----

[The interpreter and the witness spoke to each other in Dari.]

Q7 ((b)(3)130b, (b)(6)) Who grants exceptions? Who allows people to grant--who grants the exceptions in this? Who allows you to buy people in multiple--multiple graves? Who can [inaudible].

Q7 (INTERPRETER): [Translating.]

A7 (WITNESS): [Dari.]

A7 (INTERPRETER): Normally if something like this happen it gotta be a religious scholar who is authorizing the procedure that he allow based on those circumstances, he will analyzed the circumstances and tell them because if somebody is just lazy, they don't want to do it, it's not allowed in Islam. So there has to be somebody who can--a religious scholar Imam to say it, yes it is okay under the circumstances go ahead and do it.

Q8 ((b)(3)130b, (b)(6)) Is he aware of what happened near Shindand?

Q8 (INTERPRETER): [Translating.]

A8 (WITNESS): [Dari.]

A8 (INTERPRETER): Yes, he did heard.

Q9 ((b)(3)130b, (b)(6)) In that situation, did they bury multiple people in graves?

Q9 (INTERPRETER): [Translating.]

A9 (WITNESS): [Dari.]

A9 (INTERPRETER): In Shindand no it is not applicable because there was people, it was in the middle of other villages, if they had not enough human resources they could go ask from other villages to come and help them. So that is the only issue.

(b)(3)130b, (b)(6)

Thank you for his time

INTERPRETER: [Translating.]

WITNESS: [Dari.]

INTERPRETER: Thank you.

INTERPRETER: [Appears to be saying good-bye.]

Approved for Release

VERBATIM INTERVIEW OF

(b)(6)

(b)(3)130b, (b)(6) (b)(6) we're going to record this session because although we have a person who can transcribe, we're not that fast in writing.

(b)(6) (INTERPRETER): [Translating.]

(b)(3)130b, (b)(6) Do you have any objections to that?

INTERPRETER: [Translating.]

(b)(6) (WITNESS): [Dari.]

INTERPRETER: No.

BRIG GEN CALLAN (INVESTIGATING OFFICER): You made us believe his English was pretty good.

INTERPRETER: He doesn't speak English he just passed the test. But I mean [unintelligible].

(b)(3)130b, (b)(6) It's not his first language.

INTERPRETER: That's correct. He does communicate but I mean is not as, more like you said, expecting sir.

INVESTIGATING OFFICER: Sir, we can't offer much, we do have some water, would you like some?

WITNESS: Thank you, I'm fine sir.

INVESTIGATING OFFICER: Well again sir, my name is Callan, Michael. I'm a Brigadier General in the Air Force and I was appointed by the Acting CENTCOM Commander about two weeks ago to look into the investigation in Azizabad the 21st and 22nd of August.

INTERPRETER: [Translating.]

WITNESS: [Dari.]

INTERPRETER: He said, "That's good."

INVESTIGATING OFFICER: I've been joined by two professionals from the CENTCOM staff, namely (b)(3)130b, (b)(6), U.S. Marine Corps, and (b)(3)130b, (b)(6) lawyer from the CENTCOM staff.

INTERPRETER: [Translating.]

INVESTIGATING OFFICER: The purpose of the investigation as far as we're concern is, is that when (b)(3)130b, (b)(6) completed his investigation on the 29th of August, we were sent here by the Acting CENTCOM Commander, General Dempsey to consider new information that has come to light after (b)(3)130b, (b)(6) investigation was complete.

INTERPRETER: [Translating.]

INVESTIGATING OFFICER: We've been in your county for about a week and a half. Spent some time in Germany before we came and have talked to many people and seen many things.

INTERPRETER: [Translating.]

Q1 INVESTIGATING OFFICER: As the (b)(6) of the commandos down at FOB Thomas, sir would you take as you like to talk to us about what was called Operation Commando Riot. Your involvement in it, what you recall from it and anything you'd like tell about really the operation.

INTERPRETER: [Translating.]

A1 (WITNESS): [Dari.]

A1 (INTERPRETER): He said it was approximately six o'clock in the evening, (b)(3)130b, (b)(6) come and told them, they told us we have a mission to go and we have a half hour to prepare for the mission.

A1 (WITNESS): [Dari.]

A1 (INTERPRETER): Depends on my procedure they get a hold of the commando (b)(6) and also the headquarter of the ANA, the minister of defense department is part of the procedure that [unintelligible] operation we have to notify our higher authority. [unintelligible]----

A1 (WITNESS): [Dari.]

A1 (INTERPRETER): He said 15 minutes later I get a call from the corps of the (b)(6) of the commando and he told us that I will send a corps information regarding approval about the mission. You'll all ready, you all set, ready to go.

A1 (WITNESS): [Dari.]

A1 (INTERPRETER): And then a few minutes later (b)(3)(130b), (b)(3)(130b), (b)(3)(130b), (b)(3)(130b), is the captain of [unintelligible] I believe, that's who's he's talking. He said he come back and told us that mission has been cancelled; we're going to delay it so.

A1 (WITNESS): [Dari.]

A1 (INTERPRETER): He said at eight o'clock (b)(3)(130b), (b)(3)(130b), (b)(3)(130b), (b)(3)(130b), come back and told us the mission has been approved and we're going to go and deal with that and we supposed to be succeeded and take care of the problem.

A1 (WITNESS): [Dari.]

A1 (INTERPRETER): And then I get a hold of my corps commander. I told him the mission is going on after five hours and to his opinion he said we've already approved for them [unintelligible] he's the second man in the military his name is [unintelligible] he's been approved it and ready to go, go ahead and do your mission with coalition forces.

A1 (WITNESS): [Dari.]

A1 (INTERPRETER): Midnight, twelve o'clock if we can work everyone was prepared and we left the base towards our goal.

A1 (WITNESS): [Dari.]

A1 (INTERPRETER): And I notified my corps commander I told them that the 43 my main with what kind of weapons and how many vehicles already, we're on the route heading towards our mission. This is part of the procedure of the ANA of [unintelligible] that I have to notify-- notify my superior.

A1 (WITNESS): [Dari.]

A1 (INTERPRETER): And then after the--the squad own mission when they're leaving there are responsible if squad from that point.

A1 (WITNESS): [Dari.]

A1 (INTERPRETER): Platoon leader.

A1 (WITNESS): [Dari.]

A1 (INTERPRETER): After when we--before we left the base at the road we stopped 15 minutes and make sure that everything is good and in good condition for a period and then we left towards Azizabad.

A1 (WITNESS): [Dari.]

A1 (INTERPRETER): There was SUV vehicle also from our camp passed by us.

A1 (WITNESS): [Dari.]

A1 (INTERPRETER): The same minute when this SUV passed by as soon as the SUV got to the village and we heard a lot of gun fires from there the other side. In the same we put [unintelligible] passed our support of the [unintelligible] support of the troop was already there.

A1 (WITNESS): [Dari.]

A1 (INTERPRETER): He said after when--when we got to the point and then we saw a lot of shooting from the other side and we turned around to corner and he said there was a Calla--Calla is a big house when you go through village so he said they tried to shield from the fight to the wall.

A1 (WITNESS): [Dari.]

A1 (INTERPRETER): He said--he said the beginning, he said when the enemy on the other side would start fighting towards us, towards to the vehicle, then we tried to get very close but the heavy bullet was coming from the other side. We have to corner ourselves on the other side.

A1 (WITNESS): [Dari.]

A1 (INTERPRETER): And I apologize----

A1 (WITNESS): [Dari.]

A1 (INTERPRETER): After--after----

A1 (WITNESS): [Dari.]

A1 (INTERPRETER): After when they start shooting from the other side, I--we start shooting toward them too with the Humvee and the vehicles that--what we had and the fire was ready heavy from both side so we tried to go and I apologies before I want to [unintelligible] I mean in the corner he's keeps seeing they tried to cover themselves from the house, the coalition forces. Because the fire was coming in directly to us then and they were in field in the first place and tried to come in the corner. He keeps seeing in the houses so I don't know which house he's talking. So he they came over to shield themselves from that area and then [unintelligible] there

wasn't bomb force [unintelligible] when the air comes in, they start shooting the rocket towards-- to the enemy.

A1 (WITNESS): [Dari.]

A1 (INTERPRETER): Between two and four this--the fight was from both sides.

A1 (WITNESS): [Dari.]

[The interpreter and (b)(6) were speaking to each other in Dari.]

A1 (INTERPRETER): After four o'clock hours, two hours fighting between both us include the air strike and then the coalition forces come back and talk to the all these platoon or with their commandos, that we gonna go search the village or clear to see what's going on inside there.

A1 (WITNESS): [Dari.]

A1 (INTERPRETER): He said there's 14 weapons in class mode heavy ammunition. The Afghan way of the munition is--these are--when the way they're saying in is a--include rockets, grenade, launcher, bomb, AK, that's the way they call in all those weapons. And then they said that there was a heavy weapons from those guys was confiscated.

A1 (WITNESS): [Dari.]

A1 (INTERPRETER): He said after eight o'clock when we finished we came back nine o'clock at base. Then my platoon and the squad leader all these NCOs get together, write the report, give it to me and I have to give it to my superior, to the company and then a company went to the corps and then went----

A1 (WITNESS): [Dari.]

A1 (INTERPRETER): Company gave it to the battalion, battalion went to the corps and corps went to ANA Headquarters.

A1 (WITNESS): [Dari.]

A1 (INTERPRETER): We told them that between 25 to 30 enemy were killed and five to ten civilians, and one child and one woman was wounded other time.

A1 (WITNESS): [Dari.]

A1 (INTERPRETER): And then after when the radio announced or the TV announced that we killed enemies then everyone went apart in a different direction.

A1 (WITNESS): [Dari.]

A1 (INTERPRETER): After a while when they [unintelligible] everything the media headed in different direction, the Karzai asked him (b)(6) and the ANA (b)(6) to come and why you guys avoid the truth lied a about all these things. And they told--took us in a different direction with a difficult responsibility on our shoulder and also since he's the President of the country I have a lot respect for him but he did not look at it, the evidence because we told him repeatedly this is our squad battalion, squad leader--all saw this everything. They are the ones who gave me the report and I properly reported back to you as part of job.

A1 (WITNESS): [Dari.]

A1 (INTERPRETER): And because this allegation they took our job away from us. And because we told truth.

Q2 (INVESTIGATING OFFICER): Okay, so I get it on the tape. Can you ask him exactly what his title is?

Q2 (INTERPRETER): [Translating.]

Q2 (WITNESS): [Dari.]

A2 (INTERPRETER): My name is (b)(6) and I'm the Commando Forward Battalion.

INVESTIGATING OFFICER: (b)(6)?

INTERPRETER: (b)(6)

Q3 (INVESTIGATING OFFICER): What intelligence were you given before the operation. What was the objective of the mission?

Q3 (INTERPRETER): [Translating.]

A3 (WITNESS): [Dari.]

A3 (INTERPRETER): He said I discussed this information with Captain (b)(6) around six o'clock Mullah Sediq one of the top a--Taliban Commander was there with his guys.

Q4 (INVESTIGATING OFFICER): You're convinced that Sediq was coming to a meeting in Azizabad?

Q4 (INTERPRETER): [Translating.]

A6 (WITNESS): [Dari.]

A6 (INTERPRETER): Yeah, the captain told them that Sediq's father was killed.

Q7 (INVESTIGATING OFFICER): I'm still not—hearing the answer here.

INTERPRETER: [Unintelligible.]

Q8 (INVESTIGATING OFFICER): I want to know was he convinced that prior to sending his men on the objective with the coalition. Was it a valid mission?

Q8 (INTERPRETER): [Translating.]

A8 (WITNESS): [Dari.]

A8 (INTERPRETER): He said, part of my understanding anytime if there's enemy, it's my job to just go in and finish the job.

INVESTIGATING OFFICER: Okay.

INTERPRETER: Means yes. That you are responsive, they said it in a political--in a nice way [unintelligible] yes, we do expect when it's a bad guy we're going to go him.

Q9 ((b)(3)130b, (b)(6)) Is there any chance the Intel was clan motivated? That a rival plan at--a vendetta or a score to settle with Raza Kahn?

Q9 (INTERPRETER): [Translating.]

A9 (WITNESS): [Dari.]

A9 (INTERPRETER): No, I could not confirm. His responses, no I could confirm those enemy battle because I know I have intelligent men and they have to confirm if this was an enemy or real enemies then.

Q10 (INVESTIGATING OFFICER): We have your copies of your commando reports, they're testimonies if you will, statements after the--after the operation was complete. Would you summarize what your platoon sergeant told you reference again how many were killed, how many civilians, and is he convinced that the clearing that his troops participated in identified every possible casualty?

Q10 (INTERPRETER): [Translating.]

A10 (WITNESS): [Dari.]

A10 (INTERPRETER): He said it's possible some of them were missed or forgot all about it, but the most of things that I remember I would like to say it.

A10 (WITNESS): [Dari.]

A 10 (INTERPRETER): He said my platoon leader when he confirmed he saw it and he told me that between 25 to 30 people were killed. The five people were the casualty and 20 people were enemies.

A10 (WITNESS): [Dari.]

A10 (INTERPRETER): And there was two injured they brought at the camp inside for the treatment. One was a child and one was a women.

A10 (WITNESS): [Dari.]

A10 (INTERPRETER): After some treatment by the first aid and our medic and the plane came and took them Herat----

A10 (WITNESS): [Dari.]

A10 (INTERPRETER): [Unintelligible] discovered.

A10 (WITNESS): [Dari.]

A10 (INTERPRETER): One RPK.

A10 (WITNESS): [Dari.]

A10 (INTERPRETER): One pistol.

A10 (WITNESS): [Dari.]

A10 (INTERPRETER): And there was another gun this is a five piece--about five bullets.

A10 (WITNESS): [Dari.]

A10 (INTERPRETER): And there's another one [unintelligible]--

A10 (WITNESS): [Dari.]

A10 (INTERPRETER): PK

A10 (WITNESS): [Dari.]

A10 (INTERPRETER): The extra [unintelligible]

A10 (WITNESS): [Dari.]

A10 (INTERPRETER): Almost 4,000 bullets of the PK

A10 (WITNESS): [Dari.]

A10 (INTERPRETER): And [Dari?]

A10 (INTERPRETER): [Dari.] 20 of phones, cell phones.

A10 (WITNESS): [Dari.]

A10 (INTERPRETER): And there is some mines that they didn't want to bring in because the proper spot was improper. They didn't want to pick them and the coalition forces they destroyed them right on the spot.

A10 (WITNESS): [Dari.]

A10 (INTERPRETER): And there was a body armor.

A10 (WITNESS): [Dari.]

A10 (INTERPRETER): Two bottle of liquid.

A10 (WITNESS): [Dari.]

A10 (INTERPRETER): And generator.

A10 (WITNESS): [Dari.]

A10 (INTERPRETER): 32 magazines and some of them that they call [unintelligible] that one that we carry bullet in.

(b)(3)130b, (b)(6) Chest rig.

INTERPRETER: Yeah, yeah, chest rig.

A10 (WITNESS): [Dari.]

A10 (INTERPRETER): \$1260.

A10 (WITNESS): [Dari.]

A10 (INTERPRETER): 145,000 Afghanis.

A10 (WITNESS): [Dari.]

A10 (INTERPRETER): There were some other small items that they forgot all about it and we had a five suspected that we brought them in us.

INTERPRETER: These are the ones

Q11 (INVESTIGATING OFFICER): (b)(6) would you ask him, given what his commandos and his platoon sergeant reported to him in terms of the numbers, 25 to 30 enemy combatants, five civilians killed, two injured. As he well knows the Afghan report now is upwards of 90. How does he explain the difference between 30 to 35 on the objective from his commandos, and now 90 plus from the Afghan government.

Q11 (INTERPRETER): [Translating.]

A11 (WITNESS): [Dari.]

A11 (INTERPRETER): He said my soldier what he told me exactly one in the morning when he saw when he went down there they exactly saw those bodies. They counted them, physically and emotionally my soldier were there and they come back and then told me and I--I have to confirm and I have trust my soldiers what they say.

A11 (WITNESS): [Dari.]

A11 (INTERPRETER): What he saw and I trust my soldier but I didn't have the shovel to go an bury them and dig it out to see what is underneath of all those broken houses. What my soldiers saw and I respect them because they saw it and they are my soldiers and I have to feed them.

Q12 (INVESTIGATING OFFICER): And again, what did his soldiers--how many casualties did soldiers report to him? That they--you just said counted.

Q12 (INTERPRETER): [Translating.]

A12 (WITNESS): [Dari.]

[The interpreter and (b)(6) were speaking to each other in Dari.]

A12 (INTERPRETER): My battalion--my platoon (b)(6) told me between 25 to 30 and trust him. There was a two people injured----

Q13 (INVESTIGATING OFFICER): He counted 25 to 30?

Q13 (INTERPRETER): [Translating.]

A13 (WITNESS): [Dari.]

A13 (INTERPRETER): He never counted (b)(6) speaking over] but he looking and it was estimated from his mind.

A13 (WITNESS): [Dari.]

A13 (INTERPRETER): He said the way I look at it when they told me, my soldier doesn't estimate that bad. If I see between 25 to 30 then after they call us they never allowed us to come and go look at the situation. Headquarters told us to come back and [coughing] sorry, to come back in Kabul. Since we left then the Herat representative when down there, they told us 76, how did it become a 91? Because they counted one by one [Brig Gen Callan handed (b)(6) a bottle of water] thank you very much sir.

A13 (WITNESS): [Dari.]

A13 (INTERPRETER): He said now is it ended up to 90. So they're lying too.

A13 (WITNESS): [Dari.]

A13 (INTERPRETER): They keep telling me that I'm confused. They're confusing--why--why the number goes up?

Q14 (INVESTIGATING OFFICER): So I'm clear, who does he think is lying?

Q14 (INTERPRETER): [Translating.]

A14 (WITNESS): [Dari.]

A14 (INTERPRETER): He said what my soldier told and I have--I have the obligation to respect my soldier and I respect them and I respect them not anyone else's report.

A14 (WITNESS): [Dari.]

A14 (INTERPRETER): If those representatives would invite me (b)(6) is speaking over the interpreter] to go with them and I will go count with them then after that I will me the decision who's right and who's wrong.

A14 (WITNESS): [Dari.]

A14 (INTERPRETER): He said the corps commander told that Herat representative that I would like to send my representative along with you guys together to see everything and they did

not allow them to with them, they reject it completely, they said no, we're going to go and deal with it.

A14 (WITNESS): [Dari.]

A14 (INTERPRETER): And they will not allow my representative to go and see that. They said oh because people want to fight with you guys and don't like you guys anymore, they came with all different excuses which was not acceptable.

A14 (WITNESS): [Dari.]

A14 (INTERPRETER): And this was word comes from the corps commander.

Q15 (INVESTIGATING OFFICER): So again, how does he explain his government lying to him?

Q15 (INTERPRETER): [Translating.]

A15 (WITNESS): [Dari.]

A15 (INTERPRETER): He said I'm already----

A15 (WITNESS): [Dari.]

A15 (INTERPRETER): He said I'm already a small person. I'm not going to believe anyone who's done what, what my soldiers is telling I respect that and I will stay behind them and I will respect my authority----

A15 (WITNESS): [Dari.]

A15 (INTERPRETER): We discussed this one with our higher authority back in MOI or ANA and we told them to don't go behind anyone, ask the soldiers who was in the battle field and you'll tell the truth better than anyone else.

Q16 ((b)(3)130b, (b)(6) **)** I believe my Marines and Soldiers too when they tell me things. That aside the government has come up with numbers of 90. It seems like those numbers were derived only from what the villagers told the government. Why would the villagers lie? Can you think of a motive that the villagers would have to inflate the numbers?

Q16 (INTERPRETER): [Translating.]

A16 (WITNESS): [Dari.]

A16 (INTERPRETER): Some of it is a political motivation because of the--his mind is he cannot spit it out, his motive is out side foreigners and also he said it is tribe problem in the

middle of it and those--because those the reasons all of our county is a staying behind that's why we can't forwards to deal with our better life deal with these situation. He's exactly words was a motivation of a foreigners hand was involved for that but he--the reasons because of his uniform as military he cannot spit it out.

(b)(3)130b, (b)(6) Got it, I understand.

INTERPRETER: And I can explain it more if you guys want me to but that was his call.

A16 (WITNESS): [Dari.]

A16 (INTERPRETER): And he says there's a lot of political involved and because of my uniform I can not get into that.

(b)(3)130b, (b)(6) Understand.

INVESTIGATING OFFICER: What else?

INTERPRETER: In our--in our--so lets say before you say go ahead General, he has more explanation regarding.

INVESTIGATING OFFICER: Go. Does he have more?

INTERPRETER: Yeah.

[The interpreter was speaking to (b)(6) in Dari.]

A16 (WITNESS): [Dari.]

A16 (INTERPRETER): For I after this incident we had a one month before--we had agreed successful operation in Zerico which is a lot of very heavy tribes involved. Include if I can say it, the high level of this country is political and they will not them to go to do that operation. And operation was succeed every well and then he was a--he told that we killed 120 innocent people, we were waiting [coughing] for media to come and look at it. No one showed up, we wait for a month, we kept all circles--circles within our own territory, it didn't happen. And I believe strongly behind the allegations they were trying to even with us. That's--that's [inaudible] and I can--do you want me to express--explain it more what he's saying so.

INVESTIGATING OFFICER: Understand (b)(3)130b, (b)(6)?

Q17 ((b)(3)130b, (b)(6) (b)(6) when a--did you have chance to look at the map before they started the raid?

Q17 (INTERPRETER): [Translating.]

A17 (WITNESS): [Dari.]

A17 (INTERPRETER): No.

Q18 ((b)(3)130b, (b)(6)) Have you spent time in Azizabad?

INTERPRETER: I beg your pardon?

(b)(3)130b, (b)(6) In Azizabad [inaudible] in Azizabad, had he spent time there?

Q18 (INTERPRETER): [Translating.]

A18 (WITNESS): [Dari.]

A18 (INTERPRETER): No that was--I just arrived there three months ago and I never get a chance to go inside the villages.

A18 (WITNESS): [Dari.]

A18 (INTERPRETER): I suggested that people likes me a lot because I put a lot worker from Azizabad and I work go to airfield and I--that was my opinion to that. My superior or coalition forces to hire people from around the area and I felt that [unintelligible] they were very happy with me. And I still I believe it strongly they're happy----

A18 (WITNESS): [Dari.]

A18 (INTERPRETER): I personally I did not go inside the village.

Q19 ((b)(3)130b, (b)(6)) Looking at--I assume you've been in to villages like these. What would be the normal amount of people you might find in each house? Normal population density in houses like these with children and--

Q19 (INTERPRETER): [Translating.]

A19 (WITNESS): [Dari.]

A19 (INTERPRETER): He said average if you look in the family between three to five, if you look into the very level, so you--someone should be living there, five people in the house.

A19 (WITNESS): [Dari.]

A19 (INTERPRETER): He said the middle or the average if we think it--five people, that's--that's enough.

WITNESS: [Dari.]

Q20 ([REDACTED] (b)(3)130b, (b)(6)) Is that per compound of per house?

Q20 (INTERPRETER): [Translating.]

A20 (WITNESS): [Dari.]

A20 (INTERPRETER): In the one house should be a five--down the compound five people because usually they have a guest house, that room, then a couple of houses.

Q21 ([REDACTED] (b)(3)130b, (b)(6)) Because we noticed when we walked into the village that--there were sometimes ten to twenty that pull out of a compound.

Q21 (INTERPRETER): [Translating.]

A21 (WITNESS): [Dari.]

A21 (INTERPRETER): He said you can find very rare to find 20 kids into one house. It's possible but its rare--like it is from a 99 percent one percent. But sometimes they said that the people goes to the house for a visit each other's family and it's possible five person from one family goes to see the other family.

Q22 ([REDACTED] (b)(3)130b, (b)(6)) Were you aware that we've--they might have been a celebration a Timor Shah, celebrating his death on the 21st and the 22nd time frame.

Q22 (INTERPRETER): [Translating.]

A22 (WITNESS): [Dari.]

A22 (INTERPRETER): He said I did not know that was village but we did the card from the Timor Shaw being that this [unintelligible to come invited for the dinner on Friday.

Q23 (INVESTIGATING OFFICER): When?

Q23 (INTERPRETER): [Translating.]

A23 (WITNESS): [Dari.]

A23 (INTERPRETER): He said I believe it was a couple of days before they send the--card to--come in for invitation.

Q24 (b)(3)130b, (b)(6) Is that the invitation?

(b)(3)130b, (b)(6) is showing the interpreter and (b)(6) a copy of the invitation.]

Q24 (INTERPRETER): [Translating.]

A24 (WITNESS): [Looking at the invitation.]

A24 (INTERPRETER): Yes, yes.

Q25 (b)(3)130b, (b)(6) And when was that [inaudible] supposed to take place did he hear?

Q25 (INTERPRETER): [Translating.]

A25 (WITNESS): [Dari.]

A25 (INTERPRETER): The day after, that morning.

Q26 (b)(3)130b, (b)(6) On the 22nd.

INTERPRETER: On the 22nd.

(b)(3)130b, (b)(6) is showing Brig Gen Callan a piece of paper.]

INVESTIGATING OFFICER: [Inaudible] over and show the Commander (b)(3)130b, (see) what he knows [inaudible].

(b)(3)130b, (b)(6) Oh at the--hold on that's the a--that's a different place.

INVESTIGATING OFFICER: Okay.

(b)(3)130b, (b)(6) It's not in the--

WITNESS: [Dari.]

INTERPRETER: They send this card to the policy chief ----

Q27 (INVESTIGATING OFFICER): [Inaudible] lets ask him if he's is aware of that. (b)(6) we're a--we--we were told that the (b)(6) called Commander (b)(3)130b, (later) day, is that true? And what was the conversation about?

INTERPRETER: The same deal off of the--

INVESTIGATING OFFICER: After the evening of the 22nd what I was told.

Q27 (INTERPRETER): [Translating.]

A27 (WITNESS): [Dari.]

A27 (INTERPRETER): He said what I called from.

Q28 (INVESTIGATING OFFICER): Yeah did him and Commander (b)(3)130b, (b)(6) talk that evening and what was the content and what was the discussion about?

Q28 (INTERPRETER): [Translating.]

A28 (WITNESS): [Dari.]

INTERPRETER: Immediately after the operation sir?

INVESTIGATING OFFICER: Yes, after the operation?

A28 (INTERPRETER): Both of them are [unintelligible].

Q29 (INVESTIGATING OFFICER): Did him and Commander (b)(3)130b, (b)(6) talk after the operations at any time? Hours, days, weeks later?

Q29 (INTERPRETER): [Translating.]

A29 (WITNESS): [Dari.]

A29 (INTERPRETER): He--my discussion was when my media head out and I discussed with him he said our figures is it a lot different than media and he said, he told this is way we saw it, this the what happened and there was no further discussion.

Q30 (INVESTIGATING OFFICER): All right, there wasn't any discussion referenced the (b)(6) was pressure from his superiors and that we needed to make that the--we told the truth, the whole truth and nothing but the truth.

Q30 (INTERPRETER): [Translating.]

A30 (WITNESS): [Dari.]

A30 (INTERPRETER): He said my last discussion because I didn't get any pressure from anyone but I did--that I'm honored of my men and I'm going to tell the truth and I talked to (b)(3)130b, (b)(6) about it and told (b)(3)130b, (b)(6) I was going nuts when I heard the news that we killed a lot innocent people. And I assured my soldiers and (b)(3)130b, (b)(6) told me exactly what we saw, so there was no further discussion.

Q31 (INVESTIGATING OFFICER): Ask him if he's familiar with this [showing the interpreter a letter.]

Q12 (INTERPRETER): [Translating and showing the document to (b)(6)]

A12 (WITNESS): [Reading the document in Dari to himself in a low tone.]

[The interpreter and (b)(6) were speaking to each other in Dari.]

INTERPRETER: [Unintelligible] what's your purpose?

Q32 (INVESTIGATING OFFICER): My purpose is a--has he seen this before?

Q32 (INTERPRETER): [Translating.]

A32 (WITNESS): [Dari.]

A32 (INTERPRETER): No--he said--when before the operation we'll prepare for operation I never seen this letter.

A32 (WITNESS): [Dari.]

A32 (INTERPRETER): Some people drag about it that we never allow to bring danger from the debris or barriers or dust and I asked (b)(6) (b)(6) (b)(6) said, "No." Why am I human no matter if you know someone would be injured I would----

A32 (WITNESS): [Dari.]

A32 (INTERPRETER): He said that's the only two people are injured and brought them in with us.

Q33 (INVESTIGATING OFFICER): Did the commandos write this [pointing at the letter]? Did the coalition write this?

Q33 (INTERPRETER): [Translating.]

A33 (WITNESS): [Dari.]

A33 (INTERPRETER): No, they definitely no.

Q34 (INVESTIGATING OFFICER): You don't know? Okay. So to the best of his knowledge, the commandos he was commanding did not write this note?

Q34 (INTERPRETER): [Translating.]

A34 (WITNESS): [He said "no" in Dari.]

Q35 (INVESTIGATING OFFICER): Okay, is it his opinion, given his experience since he was down Shindand for three months. Is this normal for the coalition to write?

Q35 (INTERPRETER): [Translating.]

A35 (WITNESS): [Dari.]

[The interpreter and (b)(6) were speaking to each other in Dari.]

INTERPRETER: Can I read it sir?

INVESTIGATING OFFICER: Yes.

[The interpreter read the document and spoke to (b)(6) in Dari]

Q36 (INVESTIGATING OFFICER): In general, who does he think wrote this note?

Q36 (INTERPRETER): [Translating.]

A36 (WITNESS): [Dari.]

A36 (INTERPRETER): He does not know.

Q37 (INVESTIGATING OFFICER): And is it from the time he's worked with the coalition, is it normal for these notes to be passed out to villagers after operations are complete?

Q37 (INTERPRETER): [Translating.]

A37 (WITNESS): [Dari.]

A37 (INTERPRETER): No, he never seen it.

Q38 (INVESTIGATING OFFICER): So it's not normal for us to pass out these notes?

Q38 (INTERPRETER): [Translating.]

A38 (WITNESS): [Dari.]

A38 (INTERPRETER): No----

A38 (WITNESS): [Dari.]

A38 (INTERPRETER): He said not with the American forces but the Italian and forces before when used to do operations we used to write that night that we're going to do the operation, then after this was rejected by our superior and we were told to whatever you want to do just go it after [unintelligible] don't even notify people that you're come and do an operation.

Q39 (INVESTIGATING OFFICER): From his time down with Commander (b)(3) 130b, (b)(6) Shindand, is this a tactic of Taliban? Is he seen Taliban?

Q39 (INTERPRETER): [Translating.]

A39 (WITNESS): [Dari.]

A39 (INTERPRETER): Yes.

A39 (WITNESS): [Dari.]

A39 (INTERPRETER): He said that (b)(3) 130b, (b)(6) never write this one--absolutely this belong this one to Taliban.

Q40 (INVESTIGATING OFFICER): So he does believe this written by the Taliban?

Q40 (INTERPRETER): [Translating.]

A40 (WITNESS): [Dari.]

A40 (INTERPRETER): Yes, 100 percent because they are against us.

INVESTIGATING OFFICER: Our report is due back to CENTCOM by the 1st of October.

INTERPRETER: [Translating.]

INVESTIGATING OFFICER: Following--following that report we're going to debrief both the ISAF and IOI (b)(6)

INTERPRETER: [Translating.]

INVESTIGATING OFFICER: And I don't know what CENTCOM would do with our report. But the--I anticipate being released in some fashion but that will be their decision.

INTERPRETER: [Translating.]

WITNESS: [Dari.]

[The interpreter and (b)(6) were speaking to each other in Dari.]

INTERPRETER: Six days.

INVESTIGATING OFFICER: Okay and finally we will do that so thank him again for taking time out of his busy day to come speak with us. And last I would offer is that if he would like say anything as our purposes to find the truth, is there's anything he would like to add to his statement.

INTERPRETER: [Translating.]

WITNESS: [Dari.]

INTERPRETER: He said we----

WITNESS: [Dari.]

INTERPRETER: Right now my entire family is in danger, my safety is in danger and I don't know why, what's my fault that I'm the military to serve to serve country that I'm losing my job and my everything.

WITNESS: [Dari.]

INTERPRETER: What's my fault? Ah we--we got the Intel report and we successfully accomplished our goal and we finished out job and we provided men for the power and now we-- I'm losing my job, I don't understand why.

WITNESS: [Dari.]

INTERPRETER: I'm a military, I'm not a political.

WITNESS: [Dari.]

INTERPRETER: If they tell me to go----

WITNESS: [Dari.]

INTERPRETER:----it's my job and I have to do it----

WITNESS: [Dari.]

INTERPRETER: He said, when I didn't do it, as an a military officer then you tell me I'm lying, I'm deceiving, I'm deception, then you can kill me, you can fire me, we have to try to do it. But if I do my job and I should not be guilty of any crime.

WITNESS: [Dari.]

INTERPRETER: And I'm right me and my corps commander we don't have safety company because of the enemies. We are in a very dangerous position.

INVESTIGATING OFFICER: (b)(6) you can just tell him that from our discussions during our trip, tell him his credibility with both the Marines and the Army down at FOB Thomas, is very, very high and we thank him for helping us, help the Afghan people defend themselves against the enemy.

INTERPRETER: [Translating]

WITNESS: Thank you very much.

INVESTIGATING OFFICER: Thank you, thank you.

Approved for Release

Approved for Release

29

i You replied on 9/29/2008 4:16 AM.
(b)(3)130b, (b)(6)

From: (b)(3)130b, (b)(6) **Sent:** Mon 9/29/2008 4:05 AM
To: (b)(3)130b, (b)(6)
Cc:
Subject: Shindand Casualties (~~SECRET~~)
Attachments:

Classification: ~~SECRET~~

Caveats: NONE

Sir – received the following message from out West:

NO casualties were treated in a Shindand facility! The Shindand clinic launched a mobile treatment team to the site to assist, but they did not arrive until 1000 (L). At that time, they encountered no casualties. They remained on site until 1200, and left. No patients were treated by the Shindand medical team. POC: (b)(6), Director of the Shindand Clinic.

Negative report from Spanish Hospital in Heart - they refuse to give out patient information even though they were originally our patients.

(b)(3)130b, (b)(6)

v/r

(b)(3)130b, (b)(6)

30

VERBATIM INTERVIEW OF

(b)(6)

[Interview already in progress.]

(b)(6) **(INTERPRETER):** [Translating.]

INTERPRETER: He just told me we just woke us so [laughing].

BRIG GEN CALLAN (INVESTIGATING OFFICER): Yes, he did.

INTERPRETER: [Translating.]

WITNESS: [Dari.]

INTERPRETER: He said that this was wish and desire to meet you guys, to see you guys, and I'm glad to see all of you. Including me, I told him who I am and then he said that regarding the Shindand situation and I would like to express some of my opinion.

INVESTIGATING OFFICER: Yes, if you would, give him the pre cursor. Tell him I was appointed by Acting Central Command Commander to investigate the incident and at Azizabad. And two officers from the Central Command Staff are assisting me in this investigation.

INTERPRETER: [Translating.]

INVESTIGATING OFFICER: The purpose of our investigation is to look at new evidence that has--that has surfaced after the military investigation was completed on the 29th of August.

INTERPRETER: [Translating.]

Q1 (INVESTIGATING OFFICER): So if he could advise him that we're--since we're very poor note takers, tell him we're going to video record this conversation for the purpose of our investigation and if he would, tell us, we have a series of questions, if he's ready to answer those for us.

Q1 (INTERPRETER): [Translating.]

A1 (WITNESS): [Dari.]

A 1 (INTERPRETER): He said I have no problem I told him, tape record it [unintelligible] [laughing].

Q2 (INVESTIGATING OFFICER): (b)(6) why don't we begin with the--if we could, ask him for what I could a--what--what--what did he witness reference the evening of the 21st and 22nd at the air strike in Azizabad.

Q2 (INTERPRETER): [Translating.]

INVESTIGATING OFFICER: (b)(6) before he answers let me express on behalf of the investigative team our--our--our sorrow for his recent loss of his son.

INTERPRETER: [Translating.]

WITNESS: [Dari.]

INTERPRETER: He said thank you very much.

INTERPRETER: [Translating.]

A2 (WITNESS): [Dari.]

A2 (INTERPRETER): He said when--when--when--when the bombard happened in the morning their representative of the second man from the government his name is (b)(6) he was the one who brought his all team, he was the one who investigating. And he was the one who looked at everything. I was the only person to take care safety for the area and I didn't go inside or I didn't see anything.

WITNESS: [Dari.]

INTERPRETER: Everything--everything, every issue comes in, every newspaper, every newspaper, every media was head out by their representative wasn't from my side or it wasn't from.

WITNESS: [Dari.]

INTERPRETER: He said the ANP people were there.

WITNESS: [Dari.]

INTERPRETER: And the head of the NDS was.

WITNESS: [Dari.]

INTERPRETER: The governor was is South of Kabul and the--his assistant was there (b)(6)
(b)(6)

WITNESS: [Dari.]

INTERPRETER: And also from a [unintelligible] he's representative from each providence, one person were there.

WITNESS: [Dari.]

INTERPRETER: The town was like--a 15 fifteen people, they were the ones who come in and had the media, had the news everyone, so from that side, that wasn't from my side.

WITNESS: [Dari.]

INTERPRETER: He said I was the only person to stop people from protesting from the violation or all those things for the safety. I wasn't involved with anything else at all.

Q3 (INVESTIGATING OFFICER): Okay, can he gives us some details of--ask him what he knows about some sort of ceremony.

Q3 (INTERPRETER): [Translating.]

A3 (WITNESS): [Dari.]

A3 (INTERPRETER): He said the only things I saw that was--that was a lot park of and everything preparing to do some donation but he doesn't explain more.

WITNESS: [Dari.]

INTERPRETER: And also I would like to express my opinion or as I say in my mind that they did attack the coalition forces. They had attacked the coalition forces.

Q4 (INVESTIGATING OFFICER): Who is "they"?

Q4 (INTERPRETER): [Translating.]

A4 (WITNESS): [Dari.]

A4 (INTERPRETER): He said, when I got there people told me, I did not who are they. But they were he said, they were heavy a strong attack towards the coalition forces.

Q5 (INVESTIGATING OFFICER): Does he consider that to be Taliban?

Q5 (INTERPRETER): [Translating.]

A5 (WITNESS): [Dari.]

A5 (INTERPRETER): He said, I don't know who are they but the attack had started from the village very, very a strong attack and they started attacking against the coalition forces. This is the people who doesn't have a nothing associate with the village or anything. This it--like innocent people. Like a people who doesn't take any sides neither from the government neither from the military. I don't know how I describe it. It's like a village you know, you live in the village and some people does have nothing to do with the government or neither the coalition forces. These are the people he said the attack started it from the village first.

Q6 (INVESTIGATING OFFICER): Does he have an idea (b)(6) how many of these attackers there were?

A6 (INTERPRETER): [Translating.]

A6 (WITNESS): [Dari.]

A6 (INTERPRETER): He said after a nine-ten o'clock just completed the night did they say there was no attack.

Q7 (INVESTIGATING OFFICER): Why does he think everyone changed their mind at nine or ten--ten o'clock?

Q7 (INTERPRETER): [Translating.]

A5 (WITNESS): [Dari.]

A5 (INTERPRETER): He said the people that were there just saying there was a bad guys or the people attack the coalition forces after nine or ten o'clock key people combined together and then someone told him to hey just this conversation don't say we will attack first.

Q7 (INVESTIGATING OFFICER): And--and by--and the way was--was a Shura held of sorts or a kind of town Shura to get the word out? Is there an event that occurred that made everyone changed their mind?

Q7 (INTERPRETER): [Translating.]

A7 (WITNESS): [Dari.]

A7 (INTERPRETER): He said just people pick up and talk to each other and tell them, hey don't day anything--talk about and just destroy the words.

Q8 ((b)(3)130b, (b)(6) (b)(6) **)** why would they--why would they do that?

Q8 (INTERPRETER): [Translating.]

A8 (WITNESS): [Dari.]

A8 (INTERPRETER): He said because--because when people got killed and they had no way to cover their excuses they just tried to avoid the media.

Q9 ((b)(3)130b, (b)(6)) Is it embarrassing or is it a matter of money? What is it then--what is the matter?

Q9 (INTERPRETER): [Translating.]

A9 (WITNESS): [Dari.]

A9 (INTERPRETER): He said this--this--this are--the innocent people. They are the ones who were trying to express, hey who were they, and just either forced them or they said they just denied it. So they said, you know cover this wall and don't say that we attacked them.

WITNESS: [Dari.]

INTERPRETER: He said afterward they come in they told him, hey don't talk about it and you know, don't come around to the village anymore, don't say a word anymore so.

Q10 (INVESTIGATING OFFICER): Who is "they" who are the attackers? Who--who is this group of people aren't the innocent villages but are this other group.

Q7 (INTERPRETER): [Translating.]

A7 (WITNESS): [Dari.]

A7 (INTERPRETER): He said those a little bit far away from--inside the village but far way from the--were the fight started it. It's like a there's a fight and they come--come from here. They knew they were attacking from--from here, so they told them hey, to shut up, that's not in your business, you're nothing to do and don't bother with it.

Q8 (INVESTIGATING OFFICER): (b)(6) I want to confirm his answer previously. He's not aware of any other event that was occurring on the 22nd of August?

Q8 (INTERPRETER): [Translating.]

A8 (WITNESS): [Dari.]

A8 (INTERPRETER): He said it was a donation was.

Q9 (INVESTIGATING OFFICER): And explain what a donation is?

Q9 (INTERPRETER): [Translating.]

A9 (WITNESS): [Dari.]

A9 (INTERPRETER): Just asked him specifically what was it, he said (b)(6) brother was died----

[The interpreter and the witness spoke to each other in Dari,]

INTERPRETER: He was killed seven eight months ago and then the start of the Afghans culture you bring food afford this, they celebrated, put some food and they bring the villagers and said Timor was killed seven-eight months ago and they were preparing donation or asking for people to come and eat that morning that was the reasons.

WITNESS: [Dari.]

INTERPRETER: He said--he said the donation was 100 percent because they send me a card to--to just come join that celebration that day.

Q10 ((b)(3)130b, (b)(6)) What's his relationship with the people in the village?

Q10 (INTERPRETER): [Translating.]

A10 (WITNESS): [Dari.]

A10 (INTERPRETER): I never know anyone before the bomb--the bomb came in or the incident came in. I don't even know all these people.

Q11 ((b)(3)130b, (b)(6)) He's--he's not related to anyone? Isn't there a grave yard named after him?

Q11 (INTERPRETER): [Translating.]

A11 (WITNESS): [Dari.]

A11 (INTERPRETER): No.

Q12 (INVESTIGATING OFFICER): Did he sent out invitations to this--this--the ceremony?

INTERPRETER: To him?

INVESTIGATING OFFICER: Donations? Did he sent out invitations inviting the villagers to attend this?

INTERPRETER: No, no, no. Some one that they works in the family sent to him--to come.

INVESTIGATING OFFICER: So he did not?

INTERPRETER: No--who--who?

INVESTIGATING OFFICER: Did he send out invitations to attend that--that donation? No.

INTERPRETER: No--

INTERPRETER: [Translating.]

WITNESS: [Dari.]

INTERPRETER: I'm sorry [laughing] say that----

(b)(3)130b, (b)(6) He received it.

INTERPRETER: He received invitation----

Q12 (b)(3)130b, (b)(6) When did he receive it?

INTERPRETER: When?

Q12 (INTERPRETER): [Translating.]

A12 (WITNESS): [Dari.]

A12 (INTERPRETER): He said that—One day before I got the invitation usually when they make a the this kind of big invitation. They send the--this invitation paper to the government official and the--I got it the--ANA people I believe received too, I'm not sure so.

Q13 (INVESTIGATING OFFICER): Did he get it days prior or the day of, what?

(b)(3)130b, (b)(6) The day of before [unintelligible].

Q13 (INTERPRETER): [Translating.]

A13 (WITNESS): [Dari.]

A13 (INTERPRETER): One day before the incident.

Q14 (INVESTIGATING OFFICER): (b)(6) if we could transition to the air strike incident. Could you ask him how many casualties, deceased personnel he saw personally?

Q14 (INTERPRETER): [Translating.]

A14 (WITNESS): [Dari.]

A14 (INTERPRETER): He said because of the safety and security outside to keep the people not going in--in there. I was outside then I saw three-four houses was destroyed by the bomb, but I never seen any casualties there, they already took them over--take them up.

Q15 (INVESTIGATING OFFICER): Who's "they"?

Q15 (INTERPRETER): [Translating.]

A15 (WITNESS): [Dari.]

A15 (INTERPRETER): He never got inside the incident, I asked him is it two days later but that morning I was just keeping around the security for the people doesn't have to go inside.

Q16 (INVESTIGATING OFFICER): Okay, so when he was allowed into the village, did he see any--any casualties?

Q16 (INTERPRETER): [Translating.]

A16 (WITNESS): [Dari.]

A16 (INTERPRETER): No, he said they were all buried. There wasn't there--he said they hide it and they buried them.

Q17 (INVESTIGATING OFFICER): So, no time did he ever see any casualties?

Q17 (INTERPRETER): [Translating.]

A17 (WITNESS): [Dari.]

A17 (INTERPRETER): He said everyone was buried already the time when I get there.

Q18 ((b)(3)130b, (b)(6)) So, he never went into the mosque or saw them carry out the bodies?

Q18 (INTERPRETER): [Translating.]

A18 (WITNESS): [Dari.]

A18 (INTERPRETER): He said I just forced them--reference you question sir, in a different direction, and I told them, did you see any? He said maybe 50-60 bodies I saw there.

(b)(3)130b, (b)(6) He did?

INVESTIGATING OFFICER: He did?

INTERPRETER: Yeah.

Q19 (INVESTIGATING OFFICER): And he saw those where, in the village?

Q19 (INTERPRETER): [Translating.]

A19 (WITNESS): [Dari.]

A19 (INTERPRETER): Inside the mosque.

INVESTIGATING OFFICER: Inside the mosque. Okay.

(b)(3)130b, (b)(6) Sir?

INTERPRETER: No, no, no--the Fansu says [unintelligible].

(b)(3)130b, (b)(6) Just a question based on that.

[The interpreter and the witness spoke to each other in Dari.]

INTERPRETER: He said that he heard from those representative that 76 bodies where there but I saw 56 people.

Q20 (b)(3)130b, (b)(6) Did he a--where did he see the bodies exactly?

Q20 (INTERPRETER): [Translating.]

A20 (WITNESS): [Dari.]

A20 (INTERPRETER): Inside the mosque.

Q21 (b)(3)130b, (b)(6) And did he go around and personally count all of them?

Q21 (INTERPRETER): [Translating.]

A21 (WITNESS): [Dari.]

A21 (INTERPRETER): He said I'm just guessing that--that's what they walk--walk into the mosque, that's it. I just saw----

WITNESS: [Dari.]

INTERPRETER: That when--when the representative a counted, there were 76.

(b)(3)130b, (b)(6)

Representative, what representative?

INTERPRETER: Representative of the governor.

(b)(3)130b, (b)(6)

Okay, from Harat.

INTERPRETER: From Harat.

(b)(3)130b, (b)(6)

And since--he was quoted--quoted.

INTERPRETER: Yeah he was quoting he saw 50-60 but they were talking 76.

INVESTIGATING OFFICER: Okay.

Q22 (b)(3)130b, (b)(6) And his--is only an estimate of what as in the mosque. Did he ever--did he step through and walked about--around or did he just witnessed it from the--the inter chamber or windows? How--what did he do?

Q22 (INTERPRETER): [Translating.]

A22 (WITNESS): [Dari.]

A22 (INTERPRETER): He said I--just estimated 50-60, but could maybe I'm wrong because there was more of the dead to dig it out of the morning.

WITNESS: [Dari.]

INTERPRETER: I never a count----

WITNESS: [Dari.]

INTERPRETER: He said that was estimate but still they were grabbing some more.

WITNESS: [Dari.]

INTERPRETER: On the bottom, the--the representative would told us 76.

Q23 (INVESTIGATING OFFICER): (b)(6) of the bodies he saw the mosque, did he have any idea, men, women, children?

Q23 (INTERPRETER): [Translating.]

A23 (WITNESS): [Dari.]

A23 (INTERPRETER): It was a big man, one man, women, children.

Q23 ((b)(3)130b, (b)(6) **)** What does he know about the relationship between a—Reza and (b)(6)

INTERPRETER: (b)(6)

(b)(3)130b, (b)(6) **Yes.**

Q23 (INTERPRETER): [Translating.]

A23 (WITNESS): [Dari.]

A23 (INTERPRETER): They're--they're families. They're relatives, they're one tribe.

Q24 ((b)(3)130b, (b)(6) **)** But the--they're one tribe, but are they different clans?

INTERPRETER: This and?

(b)(3)130b, (b)(6) **Clans? Different families.**

Q24 (INTERPRETER): [Translating.]

A24 (WITNESS): [Dari.]

A24 (INTERPRETER): They're--they're in tribes is one thing but the families is different.

Q25 ((b)(3)130b, (b)(6) **)** And what is their relationship like?

Q25 (INTERPRETER): [Translating.]

A25 (WITNESS): [Dari.]

A25 (INTERPRETER): Reza he used to work together, they used to be very best friend.

INTERPRETER: [Translating.]

WITNESS: [Dari.]

INTERPRETER: Then after they had some arguing between both of them and they were separated.

WITNESS: [Dari.]

INTERPRETER: He said, after a while I guess they would argument or fighting something they will got killed by another.

Q26 ((b)(3)130b, (b)(6)) And how is that a--affected the families, relationship?

Q26 (INTERPRETER): [Translating.]

A26 (WITNESS): [Dari.]

A26 (INTERPRETER): Yeah, they were very bad things happened between the families because it can hate each others this operation.

Q27 (INVESTIGATING OFFICER): So why does he think the villagers shot at the forces, the coalition forces?

Q27 (INTERPRETER): [Translating.]

A27 (WITNESS): [Dari.]

A27 (INTERPRETER): He said he doesn't know.

Q28 ((b)(3)130b, (b)(6)) Does he have a list of casualties? Was he presented a list of casualties?

Q28 (INTERPRETER): [Translating.]

A28 (WITNESS): [Dari.]

A28 (INTERPRETER): He said they brought them and gave them to the governor.

Q29 ((b)(3)130b, (b)(6)) Okay, so doesn't--keep a copy or anything like that?

Q29 (INTERPRETER): [Translating.]

A29 (WITNESS): [Dari.]

A29 (INTERPRETER): He said if you would have told him yesterday I will of bring a copy of it.

Q30 (INVESTIGATING OFFICER): Okay, does he recall again how many individuals were on the list?

Q30 (INTERPRETER): [Translating.]

A30 (WITNESS): [Dari.]

A30 (INTERPRETER): 91

Q31 (INVESTIGATING OFFICER): Even though he thinks its 50-60 and the government is saying 76, he thinks it's 90. How does he explain this range of difference?

Q31 (INTERPRETER): [Translating.]

A31 (WITNESS): [Dari.]

A31 (INTERPRETER): He said the representative came from Kabul in Harat--their might hire authority I was already a very low man and that's the way they told me, that's they way they give me all those papers.

Q32 (INVESTIGATING OFFICER): Okay, so again, he doesn't have an explanation that--that explains why 50-60 becomes 76, becomes 90.

Q32 (INTERPRETER): [Translating.]

A32 (WITNESS): [Dari.]

A32 (INTERPRETER): He said--those that those of the shovels like a bomb they were high rocket, that's what he said. Is bad that expression mean they lied.

INVESTIGATING OFFICER: Who's "they"?

INTERPRETER: They the--the governor and the representative. I apologize, that's his expression means, so.

Q33 ((b)(3)130b, (b)(6)) For the a--the a--protest, who--who was participating in this protests? Is it villagers or were some of the people from outside the village?

Q33 (INTERPRETER): [Translating.]

A33 (WITNESS): [Dari.]

A33 (INTERPRETER): He said the--the demonstration people were completely Taliban and I have their names and I know 100% they were Taliban, they will try to abuse or use the system to make something else happened here.

WITNESS: [Dari.]

INTERPRETER: He said the people who died, their families they never demonstrated at all.

Q34 ((b)(3)130b, (b)(6)) And he has a list of those people?

Q34 (INTERPRETER): [Translating.]

A34 (WITNESS): [Dari.]

A34 (INTERPRETER): He said there was a--those are the Taliban Azizabad checkpoint and they put a white-black flag there too and installed the Taliban flag there for the day.

INVESTIGATING OFFICER: And the flag means

INTERPRETER: The flag is the Taliban, it means we have a power when they took over, they will install their flag on the checkpoint.

Q35 (INVESTIGATING OFFICER): And the checkpoint began in--during--during the protest in the morning?

Q 35 (INTERPRETER): [Translating.]

A35 (WITNESS): [Dari.]

A35 (INTERPRETER): Yes.

INVESTIGATING OFFICER: Okay, we understand----

WITNESS: [Dari.]

INTERPRETER: But one day after.

INVESTIGATING OFFICER: One day after.

INTERPRETER: One day after.

INVESTIGATING OFFICER: And how long did the black flag fly?

INTERPRETER: It was a white flag, sir.

Q36 (INVESTIGATING OFFICER): Sure, how long did the white flag fly?

Q36 (INTERPRETER): [Translating.]

A36 (WITNESS): [Dari.]

A36 (INTERPRETER): One hour, maybe.

Q37 (INVESTIGATING OFFICER): Okay, I think you got your list next. (b)(6) can you ask him what does he know about government payments to the families?

Q37 (INTERPRETER): [Translating.]

A35 (WITNESS): [Dari.]

A37 (INTERPRETER): 95,000 Afghani.

Q38 (INVESTIGATING OFFICER): Okay, and distributed to how many families?

Q38 (INTERPRETER): [Translating.]

A38 (WITNESS): [Dari.]

A38 (INTERPRETER): He said that totally political----

WITNESS: [Dari.]

INTERPRETER: He said 91 hundred Afghanis give it to the families who got killed in the five--five hundred thousand Afghani gave to the people who're injured.

Q39 (INVESTIGATING OFFICER): Okay, is he personally responsible for distributing any of the money?

Q39 (INTERPRETER): [Translating.]

A39 (WITNESS): [Dari.]

A39 (INTERPRETER): I was sitting down there in front the camera they gave the money to them.

INVESTIGATING OFFICER: They gave the money to the families?

INTERPRETER: To the families.

Q40 ((b)(3)130b, (b)(6)) I hate to ask this but a--eventually he's--he's being threatened at this time who is--who is doing it?

Q40 (INTERPRETER): [Translating.]

A40 (WITNESS): [Dari.]

A40 (INTERPRETER): He said they killed my son and then two of people got killed in--this is the--his son is the--picture and then also that's the--

WITNESS: [Dari.]

INTERPRETER: That--Monday, when they did they killed his son and then also threaten his family as well.

Q41 (INVESTIGATING OFFICER): And who is "they" and why are they doing this?

Q41 (INTERPRETER): [Translating.]

A41 (WITNESS): [Dari.]

A41 (INTERPRETER): He said is name ((b)(6)) he's being supported by 110 percent. And right now I discovered that he is a 10 vehicles already, three of them tried to kill me or destroy me in and 7 more suicide vehicle that's already to go against the coalition forces.

INVESTIGATING OFFICER: I missed it ((b)(6)) did you say Iran?

INTERPRETER: Iran

INVESTIGATING OFFICER: Iran.

INTERPRETER: Iranian people, Iranian government support this guy and then he is the one who providing all the things and he was some more, more to.

INVESTIGATING OFFICER: Okay, what's he got?

INTERPRETER: [Translating.]

WITNESS: [Dari.]

INTERPRETER: He said I wrote that note that if you guys don't go out, do any operation in Zerico, the Zerico situation is getting worse and the Shindand situation there safety is getting

really bad. And then I might get killed and I no excuse to tell you guys--I'm giving you guys this warning.

WITNESS: [Dari.]

INTERPRETER: He said I went to the Heart government and I told them if you guys don't do operation, if you guys don't come search people house and schools and all these things, and the--this a--remote control bombs and these explosions and IEDs, everything was everywhere, the situation goes out of hand. And they haven't done anything about it.

WITNESS: [Dari.]

INTERPRETER: He said I am (b)(6) of Shindand and I have a no capability to fight with these guys whatsoever.

Q42 (INVESTIGATING OFFICER):

Q42 (INTERPRETER): [Translating.]

A42 (WITNESS): [Dari.]

A42 (INTERPRETER): So, he therefore is in support of the coalition in fighting the Taliban to protect the Afghan people?

INTERPRETER: That's correct, that's what he's saying. He needs your help as an higher authority to give him the permission to deal with something because the government do not do nothing about it.

WITNESS: [Dari.]

INTERPRETER: And he said I'm afraid of my own family to kill because they lost my son already and I try to take my family back in Heart somewhere so I can fight with these guys alone with myself.

WITNESS: [Dari.]

INTERPRETER: He said we have no police over there, there are just a like a symbolist, they are not fighting, they do nothing about and police is completely out and I would appreciate it if you order some ANA guys to stay with us to--we can protection.

WITNESS: [Dari.]

INTERPRETER: He said if you guys wanna bring some peace and stability there, it's my opinion to bring some coalition forces, ANA, and the commandos of a--can probably be inside the zone no one can move around back and forth--

WITNESS: [Dari.]

INTERPRETER: Right now at Zerico they don't have a big capability of the fight it's the remote control explosion and IED. If his gets--if we continue to let them, they will build up everything and they might fight in the future with us, but right now they don't have a the fight capability but they do have a the IED in a remote control situations IED.

INVESTIGATING OFFICER: (b)(6) ?

WITNESS: [Dari.]

INTERPRETER: Right now they try to destroy me, kill me because I'm against them until they find someone to sit and work for then and then after they can a lot of more bad things.

Q43 ((b)(3)130b, (b)(6)) Have you expressed this to--have you ever express this to the unit her?

Q43 (INTERPRETER): [Translating.]

A43 (WITNESS): [Dari.]

A43 (INTERPRETER): He said that I just arrived here, two days.

Q44 ((b)(3)130b, (b)(6)) Okay, one question, he says he doesn't know anybody in the village, correct?

Q44 (INTERPRETER): [Translating.]

A44 (WITNESS): [Dari.]

A44 (INTERPRETER): He said Azizabad is very big but I don't know personally but I do have some information people there.

Q45 ((b)(3)130b, (b)(6)) Okay, (b)(6) and--he saw the protestors and said that they weren't from the village. How does he know that--because Azizabad is so big?

Q45 (INTERPRETER): [Translating.]

A45 (WITNESS): [Dari.]

A45 (INTERPRETER): He said I'm (b)(6) and I know who--who's from where. And we can make distinguished between people where they from.

WITNESS: [Dari.]

INTERPRETER: He said that after a week later people come and a--complain the people came from Zerico or from other side, they destroyed, they cut T.V, they blew their houses, and they put all destruction. Kicked boxes and all those [unintelligible]. They were all foreigners. Wasn't from the same village.

Q46 ((b)(3)130b, (b)(6) **)** Were there any foreigners that were killed in the fighting in the air strike and then later--

INTERPRETER: You mean completely foreigner or not people from the village?

(b)(3)130b, (b)(6) People not from the village.

Q46 (INTERPRETER): [Translating.]

A46 (WITNESS): [Dari.]

A46 (INTERPRETER): No, he said the people who got killed was from the village but people who made the demonstration was from outside.

Q47 ((b)(3)130b, (b)(6) **)** Why would they do that?

Q47 (INTERPRETER): [Translating.]

A47 (WITNESS): [Dari.]

A47 (INTERPRETER): He said the reasons they came over and to make the demonstration that for coalition forces have a bad name and they should go attack somewhere else or get rid of the Taliban.

Q48 (INVESTIGATING OFFICER): So if he's saying that the villagers again were the ones that -- coalition forces, why would they do that? Coalition forces are not their enemy.

Q48 (INTERPRETER): [Translating.]

A48 (WITNESS): [Dari.]

A48 (INTERPRETER): He said doesn't know who start--who start shooting.

WITNESS: [Dari.]

INTERPRETER: He said I have no idea usually of bad people are against the coalition forces against the peace and stability and I have no idea who start shooting towards coalition forces.

WITNESS: [Dari.]

INTERPRETER: He said if you guys don't mind I'm heading towards the Herat and look at Herat.

Q49 (INVESTIGATING OFFICER): Again, that's--that's fine (b)(3)130b, (b)(6) anything else?

(b)(3)130b, (b)(6)

No, sir.

INVESTIGATING OFFICER: Again thank him for us taking time of his busy to come speak with us.

INTERPRETER: [Translating.]

WITNESS: [Dari.]

INTERPRETER: He said, can I take this one back with me, I guess is the only one--

INVESTIGATING OFFICER: Sure, sure, you bet.

INTERPRETER: [Translating.]

[The interpreter and the witness spoke back and forth in Dari.]

INTERPRETER: He said I'm going to give you guys this last warning if you guys don't take of the Zerico situation in the Shindand then you guys gonna be sorry and what they do the operations spreaded out towards every part of Heart I mean province specially Herat, you guys won't be sitting comfortable.

INVESTIGATING OFFICER: (b)(6) I would encourage him to speak with the special forces commander.

INTERPRETER: [Translating.]

WITNESS: [Dari.]

INTERPRETER: He said right now they are very weak we can get them pretty easy and quick but if it later--later is going to be hitting very hard and it's gonna disadvantage us, they are going to get very a strong. Right now they are in the middle of the just growing a little bit.

Q50 ((b)(3)130b, (b)(6)) In regards to list he has of the 90 people, I guess I didn't hear, where did he get that list?

Q50 (INTERPRETER): [Translating.]

A50 (WITNESS): [Dari.]

A50 (INTERPRETER): I'm going to go to Herat get a copy and then bring it.

Q51 ((b)(3)130b, (b)(6)) But who--who did he get that list from?

Q51 (INTERPRETER): [Translating.]

A51 (WITNESS): [Dari.]

A51 (INTERPRETER): The representative of the government in the Herat they made that mistake they made that list.

WITNESS: [Dari.]

INTERPRETER: And then I will get a copy and they I will give it to you guys.

INVESTIGATING OFFICER: ((b)(6)) tell him again thank you, we wish him and his family the best of health and our condolences for the loss of his son.

INTERPRETER: [Translating.]

INTERPRETER: Do you want me to add something to----

INVESTIGATING OFFICER: Sure go ahead.

[The interpreter and the witness spoke to each other back and forth in Dari.]

INTERPRETER: I just sympathize my condolences as Afghan American to tell them how bad it was and I say God bless you.

INVESTIGATING OFFICER: Thank you sir.

WITNESS: [Dari.]

INTERPRETER: He said thank you very much for seeing you guys

INVESTIGATING OFFICER: Thank you. Thanks ((b)(6))

INTERPRETER: No problem.

Approved for Release



Initial SSE for Operation Commando Riot

as of
260400ZAUG08

**This Briefing is Classified:
SECRET//REL USA, FVEY//20330804**

APPROVED BY

(b)(6)

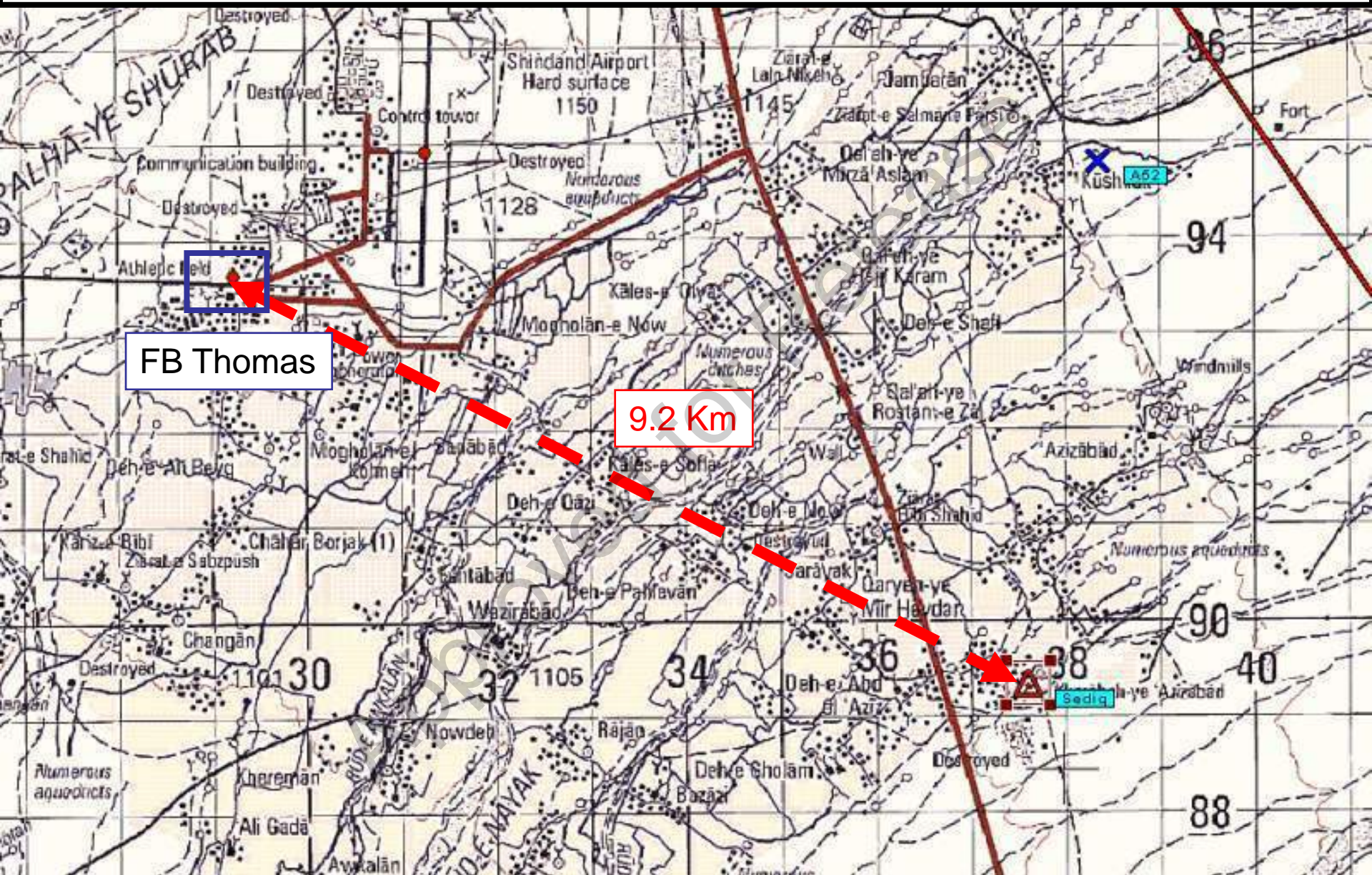
21 AUG 08

OPERATION “KAMANDO ASHUB” COMMANDO RIOT

SECRET//FVEY//MR

**7326 – 207 LVL II
CAPTURE/KILL MULLAH SADIQ
AZIZABAD, SHINDAND DISTRICT
DATE EXECUTION: 212130ZAUG08
SUBMITTED TO SOTF: 21 AUG 08
RC CONCURRENCE: TBD
SUBMITTED TO CJSOTF-A: TBD**

BATTLEFIELD GEOMETRY



Page 4 redacted for the following reason:

(b)(1)1.4a, (b)(1)1.4c, (b)(1)1.4g Exhibit E - Bates Page # 0088

Approved for Release

Approved for Release

(b)(1)1.4c, (b)(1)1.4g

Pages 6 through 7 redacted for the following reasons:

(b)(1)1.4a, (b)(1)1.4c, (b)(1)1.4g Exhibit E - Bates Page # 0090

(b)(1)1.4a, (b)(1)1.4c, (b)(1)1.4g Exhibit E - Bates Page # 0091

Approved for Release

(b)(1)1.4a, (b)(1)1.4c, (b)(1)1.4g

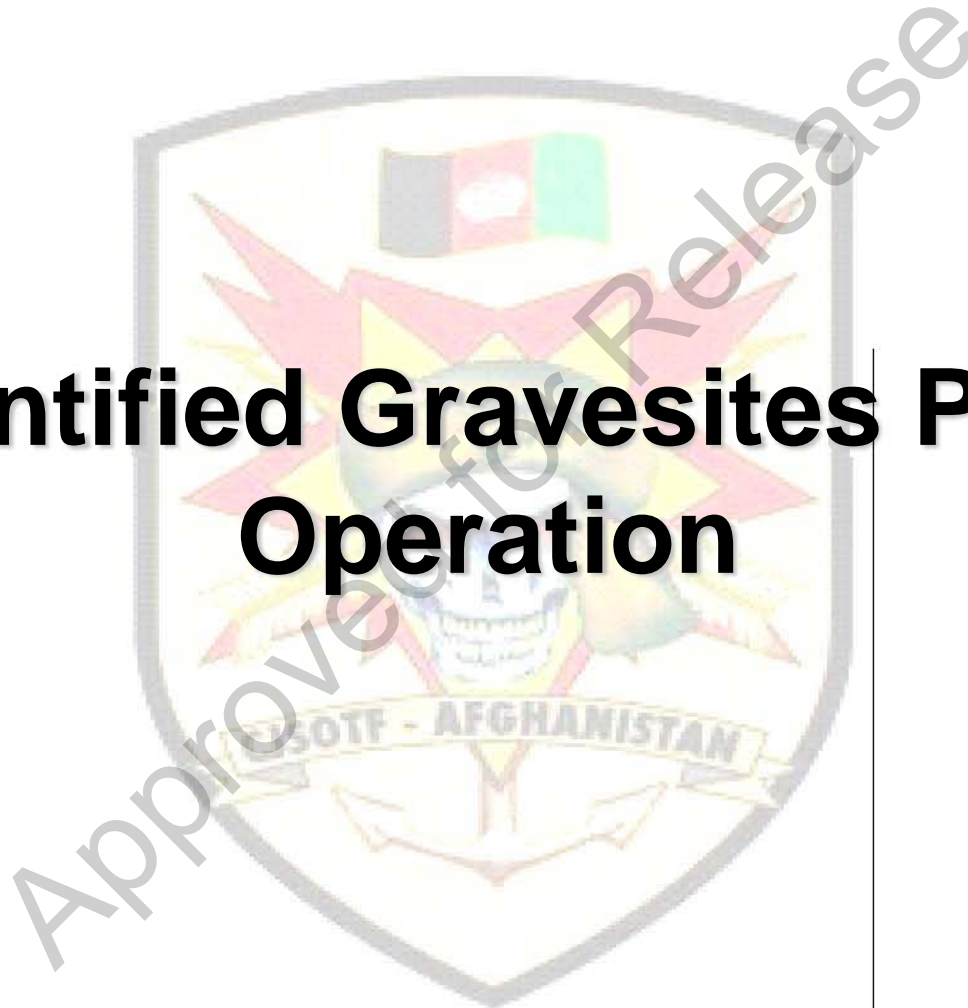
Pages 9 through 12 redacted for the following reasons:

(b)(1)1.4a, (b)(1)1.4c, (b)(1)1.4g Exhibit E - Bates Page # 0093
(b)(1)1.4a, (b)(1)1.4c, (b)(1)1.4g Exhibit E - Bates Page # 0094
(b)(1)1.4a, (b)(1)1.4c, (b)(1)1.4g Exhibit E - Bates Page # 0095
(b)(1)1.4a, (b)(1)1.4c, (b)(1)1.4g Exhibit E - Bates Page # 0096

Approved for Release



Identified Gravesites Post Operation



Pages 14 through 15 redacted for the following reasons:

(b)(1)1.4a, (b)(1)1.4c, (b)(1)1.4g Exhibit E - Bates Page # 0098

(b)(1)1.4a, (b)(1)1.4c, (b)(1)1.4g Exhibit E - Bates Page # 0099

Approved for Release



CRP Photos of Gravesite from Graphic 2

26 AUG 2008

USOTF - AFGHANISTAN

New graves



08.26.2008 03:09



08.26.2008 03:09

Old, established graves for comparison

0102

UNCLASSIFIED//FOUO



New graves

Old, well-established graves
Note sturdy construction & older, weather-worn fabric and trees

Freshly placed stone
With recently disturbed earth

08.26.2008 03:09



(b)(6)

(b)(6)

Note new fabric and man tending to site.

(b)(6)

08.26.2008 03:09

Pages 22 through 26 redacted for the following reasons:

(b)(1)1.4a, (b)(1)1.4c, (b)(1)1.4g Exhibit E - Bates Page # 0106
(b)(1)1.4a, (b)(1)1.4c, (b)(1)1.4g Exhibit E - Bates Page # 0107
(b)(1)1.4a, (b)(1)1.4c, (b)(1)1.4g Exhibit E - Bates Page # 0108
(b)(1)1.4a, (b)(1)1.4c, (b)(1)1.4g Exhibit E - Bates Page # 0109
(b)(1)1.4a, (b)(1)1.4c, (b)(1)1.4g Exhibit E - Bates Page # 0110

Approved for Release



Materials Confiscated Off of The Objective

Page 28 redacted for the following reason:

(b)(1)1.4a, (b)(1)1.4c, (b)(1)1.4g Exhibit E - Bates Page # 0112

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Building 1

- 8 X AK-47
- 10 X Chest Rigs
- 32 X AK-47 magazines (Full)
- 50 rounds X 7.62 X 39 (Loose)
- 4000 rounds 7.62 X 54R (PKM)
- 1 X PKM Spare barrel
- 1 X PKM (Destroyed)
- 1 X RPK
- 1 X Makarov Pistol
- 2 X Makarov magazines (Full)
- 1 X Pistol belt with holster



Building 1

- 1 X US style ballistic plate carrier
- 2 X US Ballistic plates (M80 Ball, the manufacturer's sticker was removed)
- Miscellaneous photographs, including photos taken on and around FB Thomas
- 2 X Photograph albums
- 4 X Boxes of KL-123A batteries
- 1 X Sony digital camera
- 1 X 35mm Yashica SLR camera
- 15 pairs of black Altama military style boots (brand new)
- Miscellaneous documents



Building 1

- 2 X bags of prescribed medication from US medics at FB Thomas
- \$1260 US Dollars
- \$140,500 Afghani (approximately \$2810 US with an exchange rate of 50 Afghani to 1 US Dollar)
- 1 X USSF employee ID card
- 2 X LN WIA Females (1 X Adult and 1 X Child (approximately 5 years old))
- 5 X EKIA
- 2 X LN KIA females
- 2 X LN KIA child (1 X female, 1 X unknown)
- 2 X Bottles of Liquor

(b)(6)

10 X Chest Rigs

8 X AK-47

1 X Macarov Pistol

US style body armor
with US SAPI plates



32 X AK-47 Magazines

1 X RPK

3V Batteries

(b)(6)

MISC Photos

USCENTCOM FOIA 18-0485L

Building 1



3V Batteries

2 X Cameras

1 X RPK

(b)(6)

(b)(6)

(b)(6)

MISC Photos

4000 rounds
7.62X54R

Currency

MISC Documents

(b)(1)1.4a, (b)(1)1.4c, (b)(1)1.4g



Building 4



- 2 X EKIA



(b)(1)1.4a, (b)(1)1.4c, (b)(1)1.4g

Approved for Release



Building 15

- 2 X Russian TM62P3 Anti-tank Landmines
- 8 X Russian MVch-62 AT Landmine Fuses
- 5 X Russian MVP-62 AT Landmine Fuses
- 1 X Russian RKG3 HEAT Hand Grenade

**RUSSIAN MVP-62
AT LANDMINE
FUZE (5 TOTAL)**

Building 15

**RUSSIAN MVch-62
AT LANDMINE
FUZE (8 TOTAL)**

*All ordinance was destroyed on scene

**RUSSIAN
RKG3
HEAT
HAND
GRENADE**

**RUSSIAN TM62P3
AT LANDMINE
(2 TOTAL)**

(b)(1)1.4a, (b)(1)1.4c, (b)(1)1.4g

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Building 30

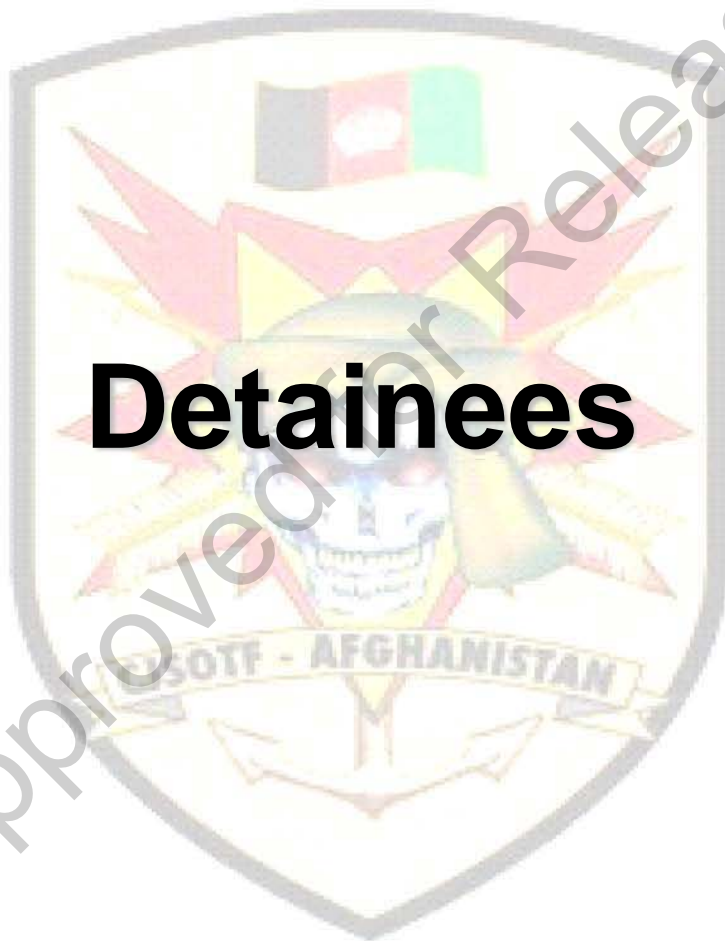


- 19 X cell phones



19 X Cell Phones

****CELLEX INCONCLUSIVE AT THIS TIME****



Detainees



Detainees





Detainees



(b)(6)

Approved for Release



Detainees

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(b)(6)

(b)(1)1.4c

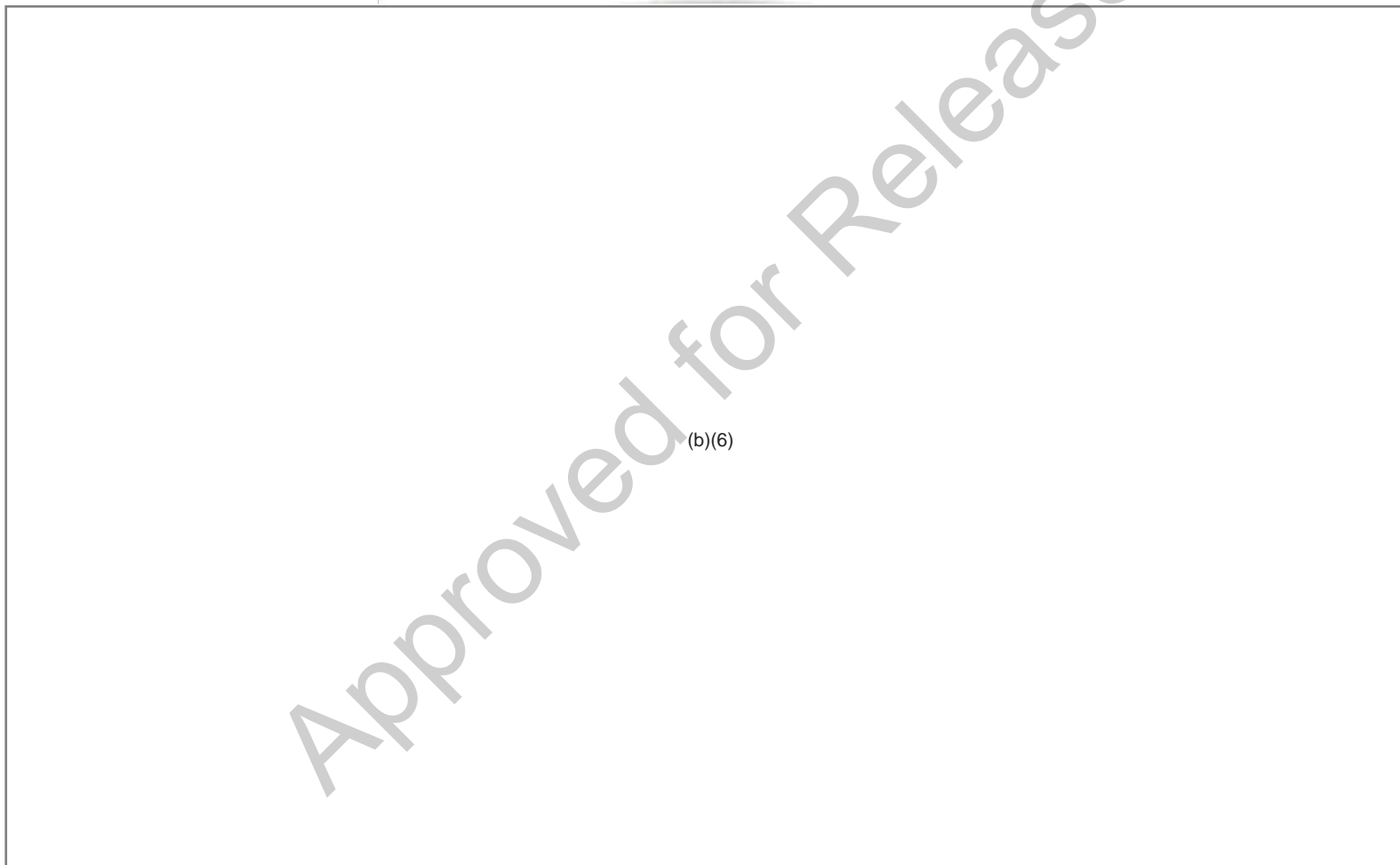


MAM's Left on the OBJ





MAM's Left on the OBJ



(b)(6)



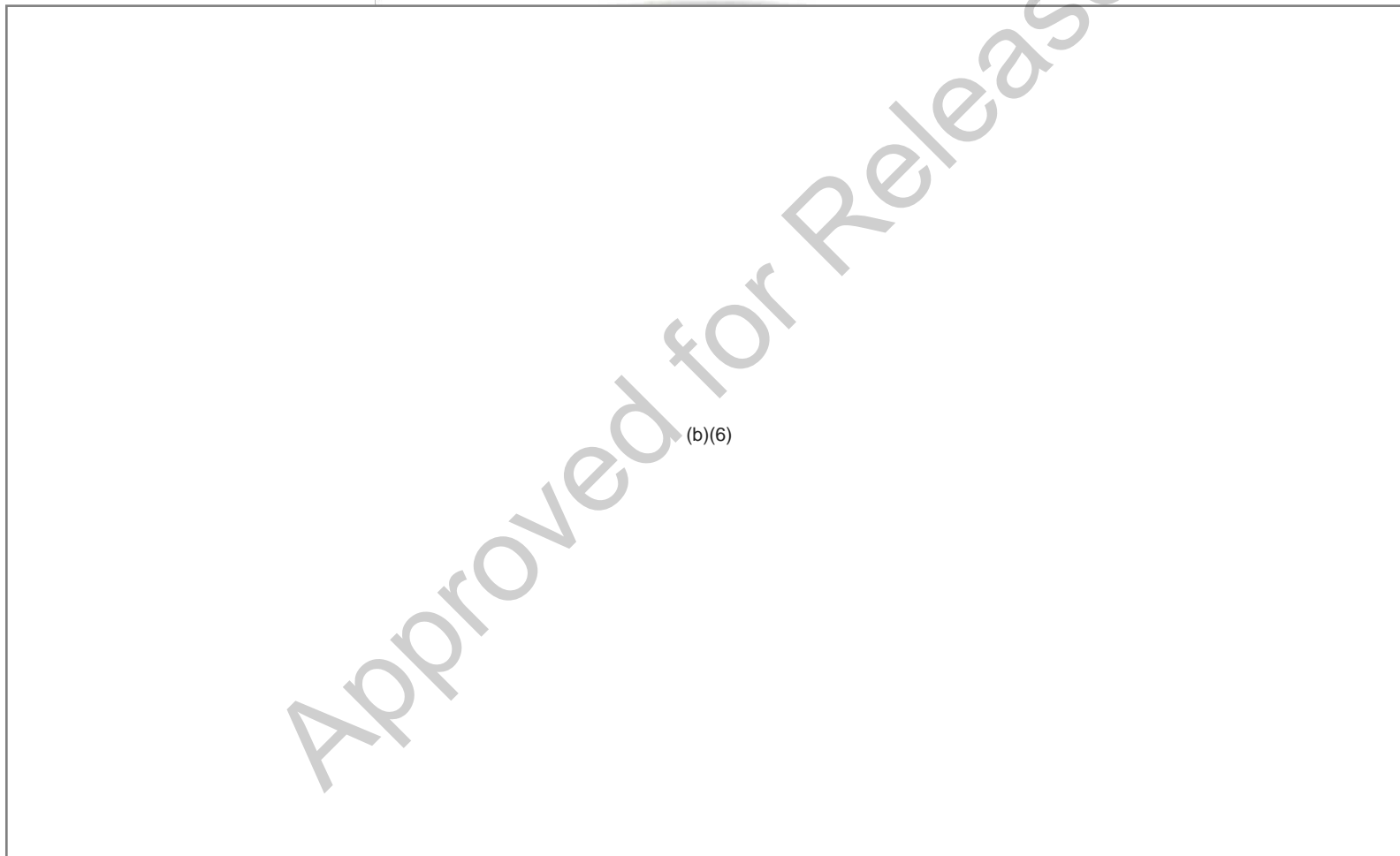
MAM's Left on the OBJ



(b)(6)



MAM's Left on the OBJ



(b)(6)



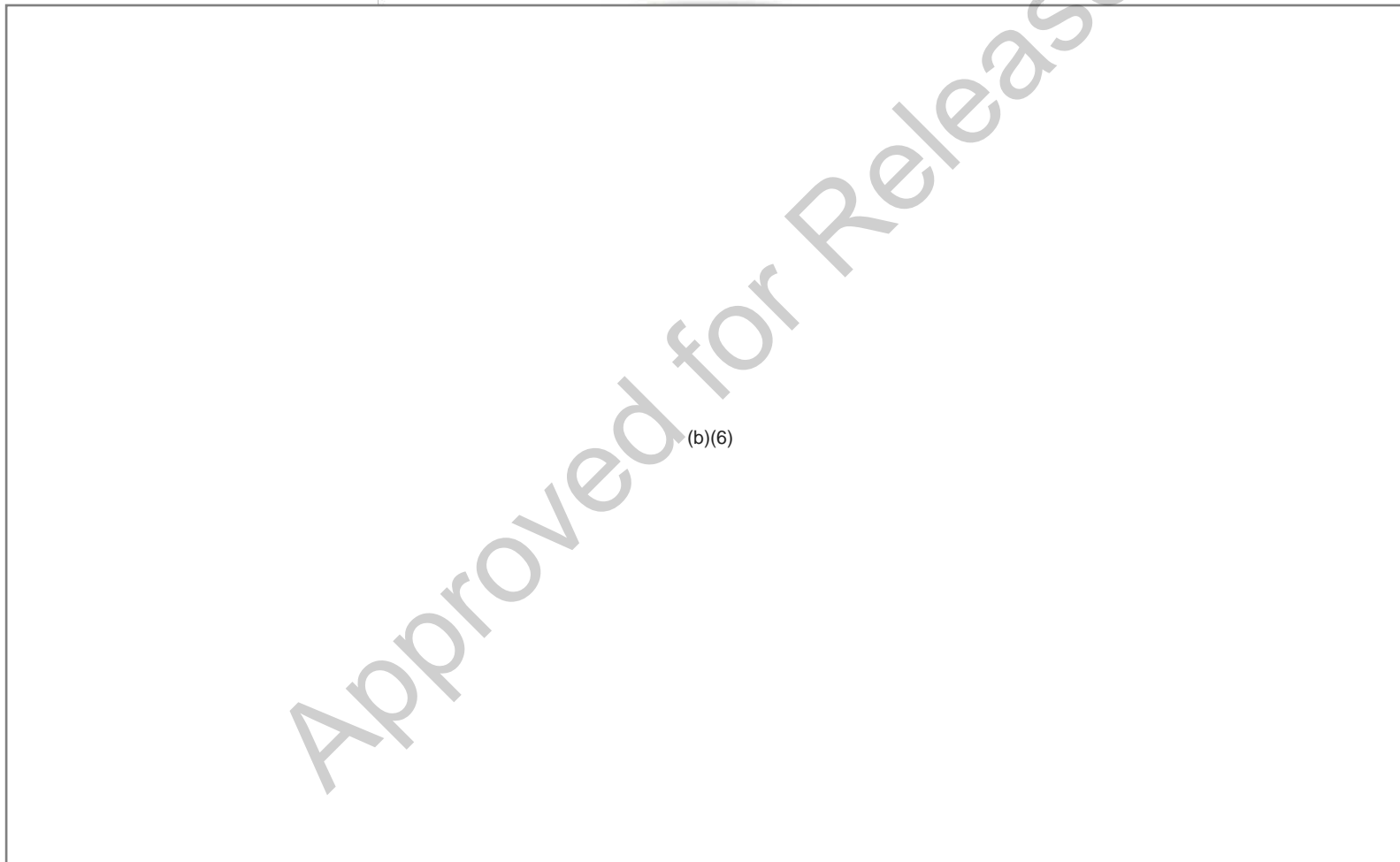
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(b)(6)



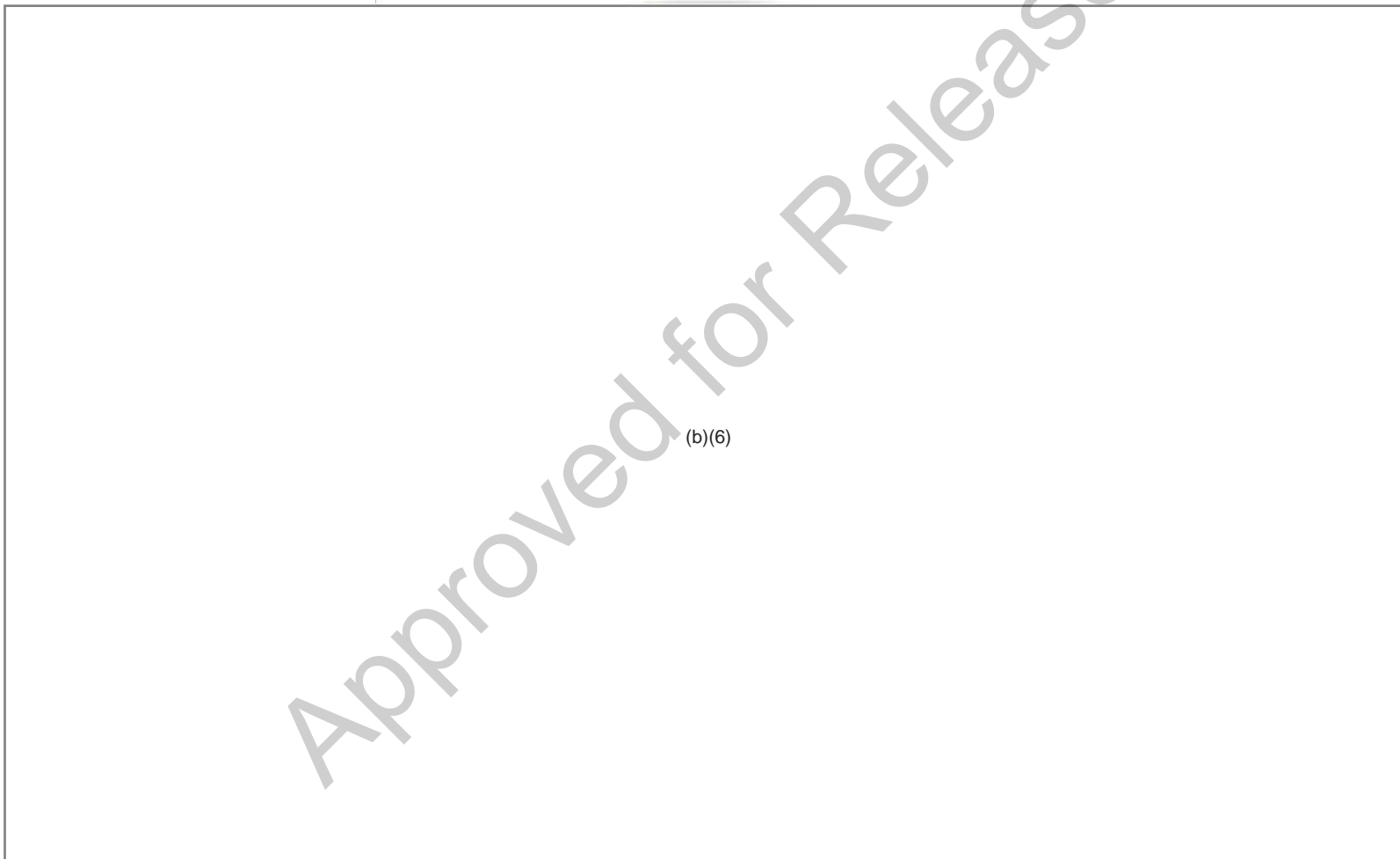
MAM's Left on the OBJ



(b)(6)



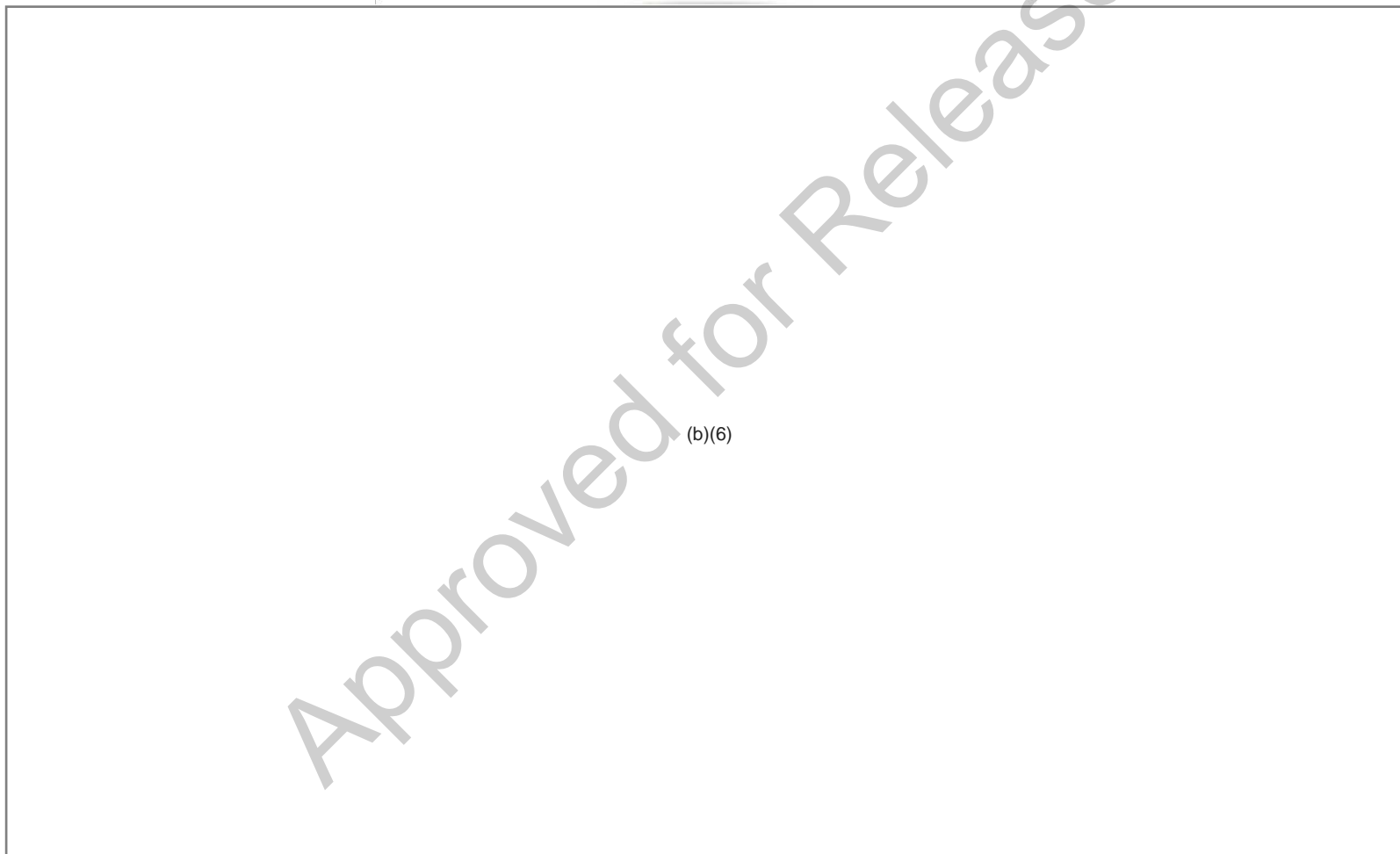
MAM's Left on the OBJ



(b)(6)



MAM's Left on the OBJ



(b)(6)



Throw Backs

(b)(6)

designates Biometrics were collected



Throw Backs

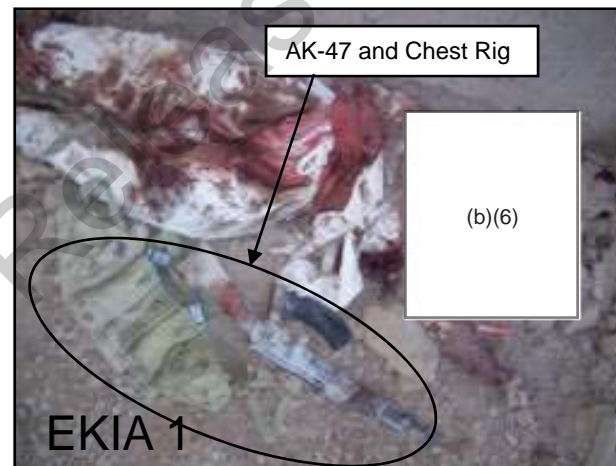
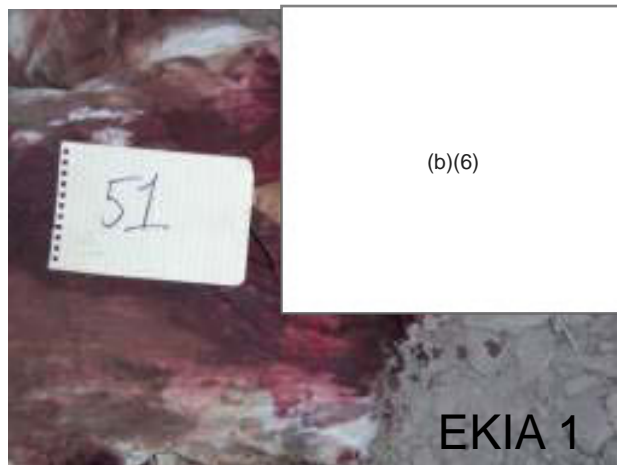
(b)(6)

(b)(1)1.4a



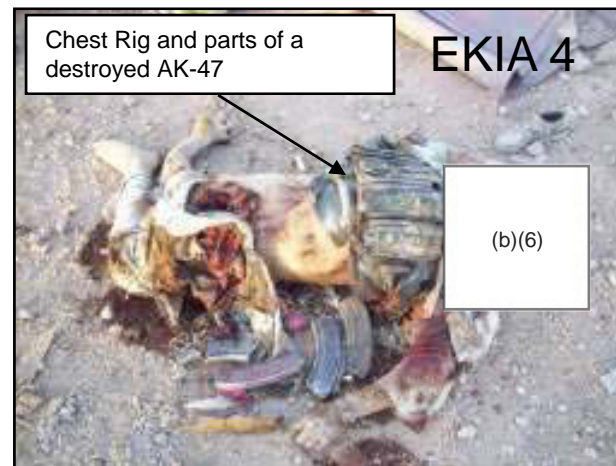
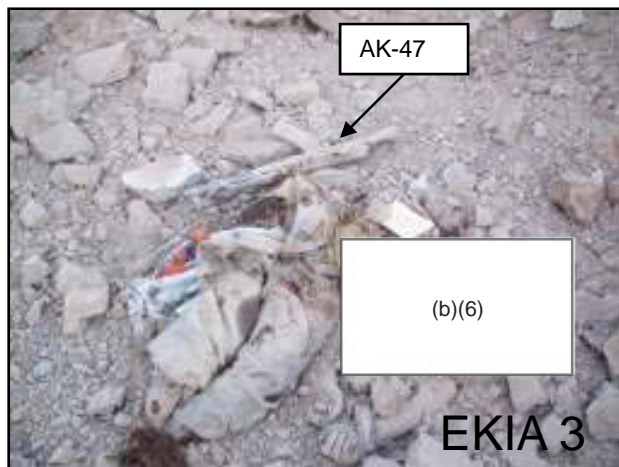


EKIA Building 1



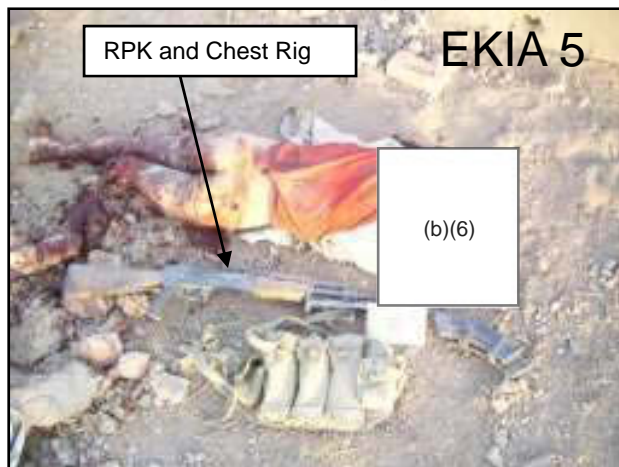


EKIA Building 1



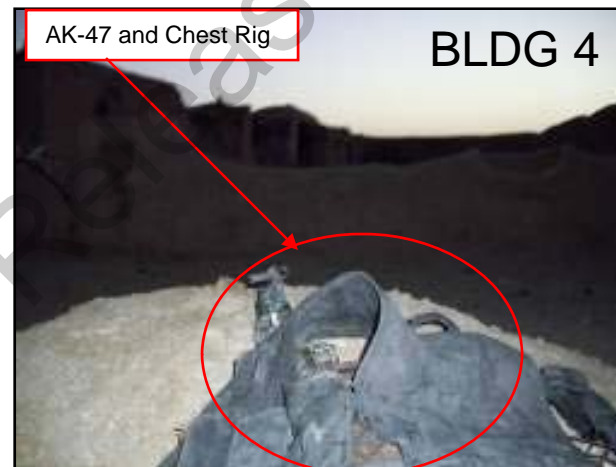


EKIA Building 1

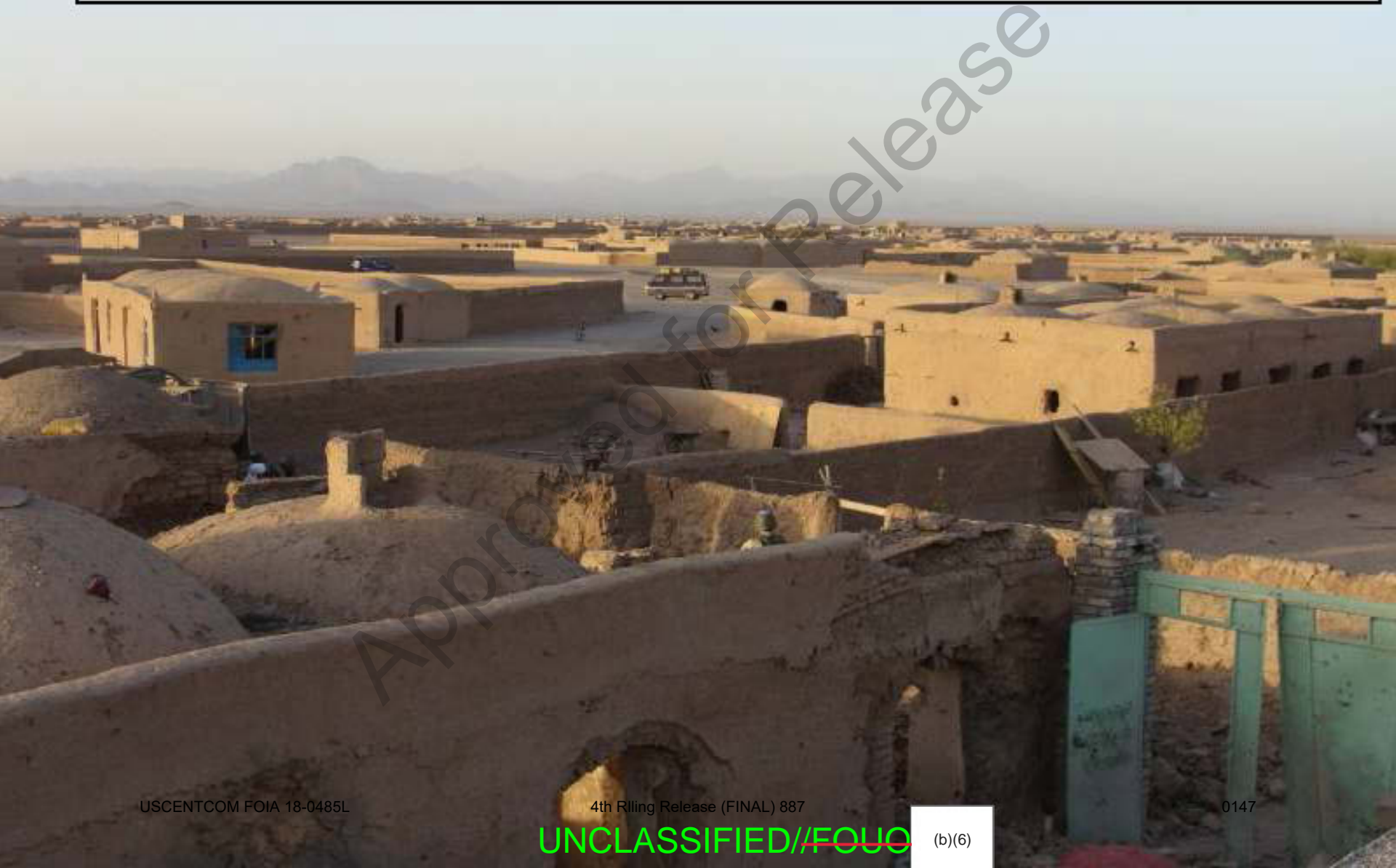




Building 4 EKIA



VIEW FROM ROOF OF BUILDING 1 LOOKING SW. THE PARKED VAN IN THE CENTER OF THE PHOTO IS WHERE MSOT 3 STARTED TAKING FIRE AND DISMOUNTED. 100M DISTANCE FROM ROOF TO VAN.





**7.62X39MM SHELL CASINGS ON THE ROOF OF BUILDING 1 IN THE
SE CORNER**

GIRoA officials and Afghan media videotaping and cataloging the materials confiscated off (b)(6) back at (b)(6)



GIRoA officials and Afghan media videotaping and cataloging the materials confiscated off (b)(6) back at (b)(6)



Pages 67 through 68 redacted for the following reasons:

(b)(1)1.4c Exhibit G - Bates Page # 0199

(b)(1)1.4c Exhibit G - Bates Page # 0200

Approved for Release

~~SECRET//NOFORN~~

SERIAL: (U) (b)(1)1.4c.

COUNTRY: (U) AFGHANISTAN (AF)

IPSP: (U) IFC 3450.

SUBJ: (b)(1)1.4c - TALIBAN LOSSES FROM 23 AUGUST 2008
FIREFIGHT IN AZIZABAD, SHINDAND DISTRICT, HERAT PROVINCE, AF (U)WARNING: (U) THIS IS AN INFORMATION REPORT, NOT FINALLY EVALUATED INTELLIGENCE.
REPORT CLASSIFIED ~~SECRET--NOFORN~~.-----
DEPARTMENT OF DEFENSE

DOI: (U) 20080823.

REQS: (U) 3450.1.1.2.2; 3450.1.1.2.5; 3450.1.1.2.13; 3450.1.3.2.1; 3465.1.1.13.2;
G-AIF-2231-355-07; U-UDX-2410-024-06; G-AIF-1584-338-07.

(b)(1)1.4c

-----TEARLINE-----

SUMMARY: ~~(S//REL TO USA, ISAF, NATO)~~ AFGHAN NATIONAL POLICE DENIED ACCESS TO AZIZABAD VILLAGE SHINDAND DISTRICT, HERAT PROVINCE, WHILE TALIBAN FATALITIES WERE MOVED FROM THE AREA. FIFTY-SIX FATALITIES FROM FIREFIGHT IN AZIZABAD. MULLAH SADIQ AND SEVEN ASSOCIATES KILLED DURING THE FIREFIGHT. DEAD TALIBAN FIGHTERS REMAINS RELOCATED FROM AZIZABAD TO OTHER PARTS OF SHINDAND DISTRICT AND BALA BALUK DISTRICT, FARAH PROVINCE.

TEXT: 1. ~~(S//REL TO USA, ISAF, NATO)~~ (b)(1)1.4c ON THE MORNING OF 23 AUGUST 2008, AFGHAN NATIONAL POLICE (ANP) TRAVELED TO AZIZABAD VILLAGE//MGRS: (b)(1)1.4a // TO ASSIST VILLAGERS FOLLOWING A FIREFIGHT BETWEEN TALIBAN AND COALITION FORCES DURING THE PREVIOUS NIGHT. UNSPECIFIED AFGHANS DENIED THE ANP ENTRY INTO THE VILLAGE FOR THREE HOURS. THE REASON FOR THE DELAY WAS TO ALLOW UNIDENTIFIED PERSONS TO REMOVE THE DEAD TALIBAN FIGHTERS FROM AZIZABAD AND TO CONSOLIDATE THE CIVILIAN FATALITIES IN ONE LOCATION. THE DEAD TALIBAN WERE PLACED IN ONE STACK AND THE CIVILIANS WERE IN A SEPARATE STACK. THERE WERE 56 DEAD. (b)(1)1.4c

(b)(1)1.4c

2. ~~(S//REL TO USA, ISAF, NATO)~~ (b)(1)1.4c MULLAH ((SADIQ)) AND SEVEN OF HIS ASSOCIATES WERE KILLED DURING THE FIREFIGHT WITH COALITION FORCES. NINE OF THE DEAD TALIBAN FIGHTERS WERE MOVED TO AN UNSPECIFIED LOCATION IN THE ZER-E KOH VALLEY, SHINDAND DISTRICT, HERAT PROVINCE. THREE DEAD TALIBAN WERE MOVED TO SHOWZ, SHINDAND DISTRICT, HERAT PROVINCE AND FIVE DEAD TALIBAN WERE MOVED TO AN UNSPECIFIED LOCATION IN BALA BALUK DISTRICT, FARAH PROVINCE, AF. (b)(1)1.4c

(b)(1)1.4c

~~SECRET//NOFORN~~

~~SECRET//NOFORN~~

(b)(1)1.4a, (b)(1)1.4c

(b)(1)1.4c

-----TEARLINE-----

COMMENTS: (b)(1)1.4c

(b)(1)1.4c

(b)(1)1.4c FOR FOREIGN DISCLOSURE CONSIDERATION, SIPRNET E-MAIL:
SOCCENT-FDO AT SIGN (b)(3)130b, (b)(6) FOR FOLLOW-UP QUESTIONS: (b)(3)130b, (b)(6)
(b)(3)130b, (b)(6) PLEASE CONTACT (b)(6)
(b)(3)130b, (b)(6) IIR EVALUATIONS AND SDR'S ARE ENCOURAGED AND
SHOULD BE ADDRESSED TO (b)(6) / / .

3. (U) WHERE POSSIBLE, THE IIR WRITER USED THE (b)(6) GAZETTEER FOR MGRS,
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WARNING: (U) THIS IS AN INFORMATION REPORT, NOT FINALLY EVALUATED INTELLIGENCE.
REPORT IS CLASSIFIED ~~SECRET//NOFORN~~ / (b)(1)1.4c

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Pages 71 through 89 redacted for the following reasons:

(b)(1)1.4c Exhibit I - Bates Page # 0203
(b)(1)1.4c Exhibit I - Bates Page # 0204
(b)(1)1.4c Exhibit I - Bates Page # 0205
(b)(1)1.4c Exhibit I - Bates Page # 0206
(b)(1)1.4c Exhibit I - Bates Page # 0207
(b)(1)1.4c Exhibit I - Bates Page # 0208
(b)(1)1.4c Exhibit I - Bates Page # 0209
(b)(1)1.4c Exhibit I - Bates Page # 0210
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(b)(1)1.4c Exhibit I - Bates Page # 0219
(b)(1)1.4c Exhibit I - Bates Page # 0220
(b)(1)1.4c Exhibit I - Bates Page # 0221

Approved for Release



Operation ARAM TANDER II

Western Afghanistan

**Videos and Afghan Human Rights Commission List Analysis
following OPERATION COMMANDO RIOT
20 September 2008**

Task Force 87
SOTF-73, CJSOTF-A

This Briefing is Classified:
~~SECRET//REL NOFORN//20330516~~

Purpose

- *Intent of this product to analyze the NDS, Afghan Doctor Videos and list of KIA provided by the Afghanistan Human Rights Commission after CJSOTF-A Operation COMMANDO RIOT (21-22 Aug 08)*

(b)(1)1.4a

- *POCs for this product:*



(b)(3)130b, (b)(6)



Agenda

- **NDS Video Analysis**
- **Afghan Doctor Video Analysis**
- **Afghan Independent Human Rights Commission KIA List Analysis**
- **Final Conclusions**

USOTT - AFGHANISTAN



NDS VIDEO ANALYSIS

USOTT - AFGHANISTAN



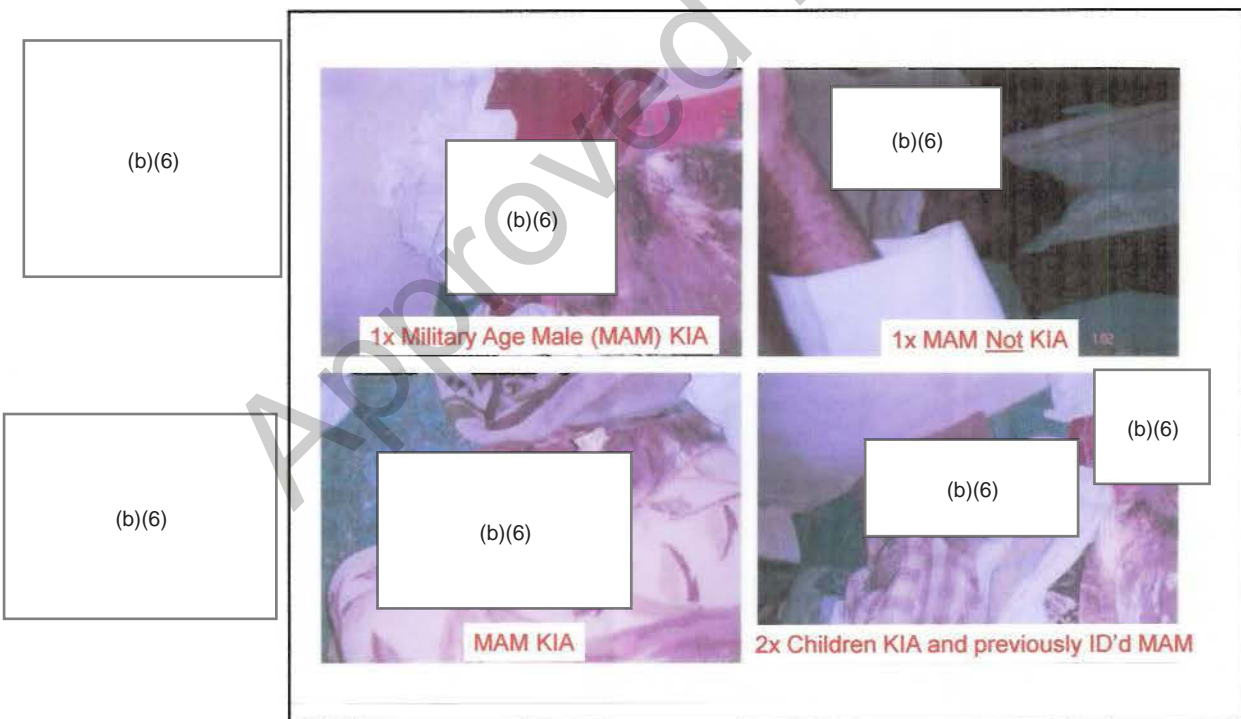
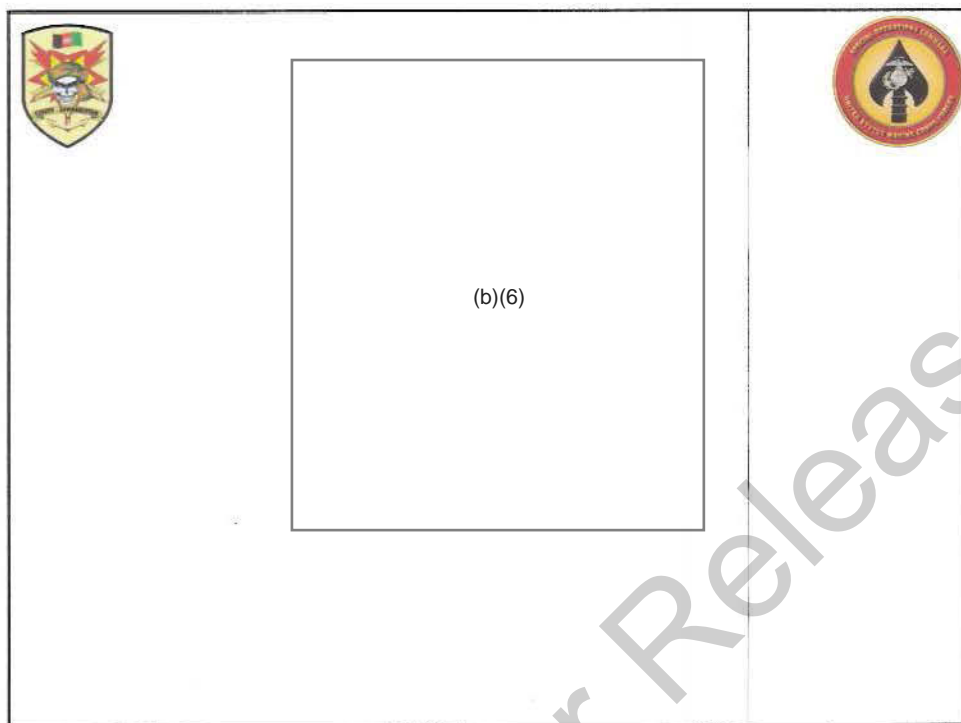
NDS Video Analysis

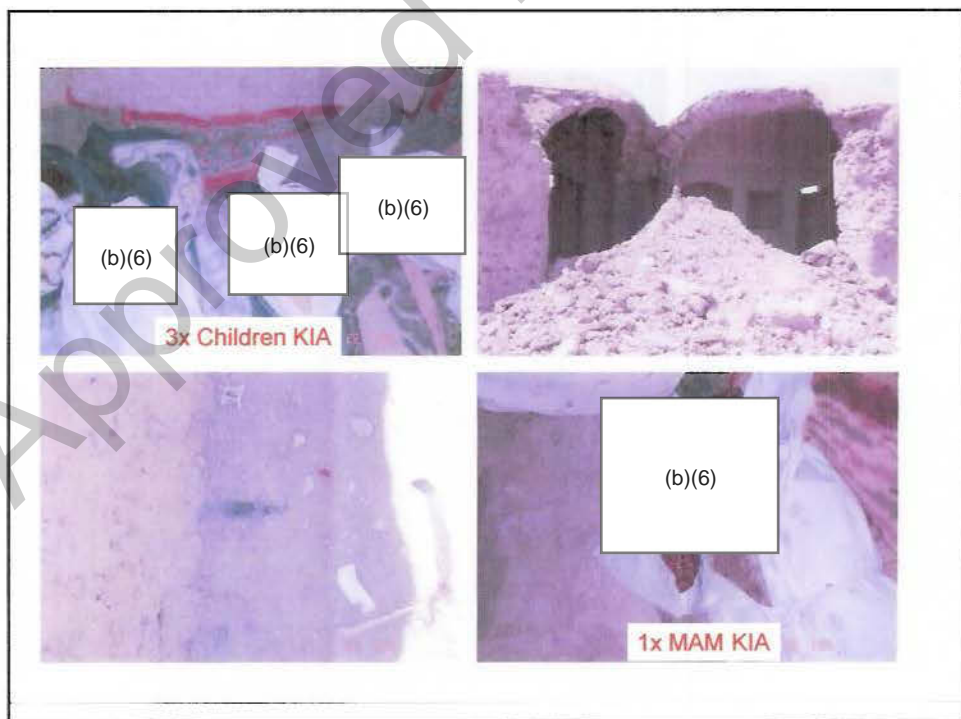


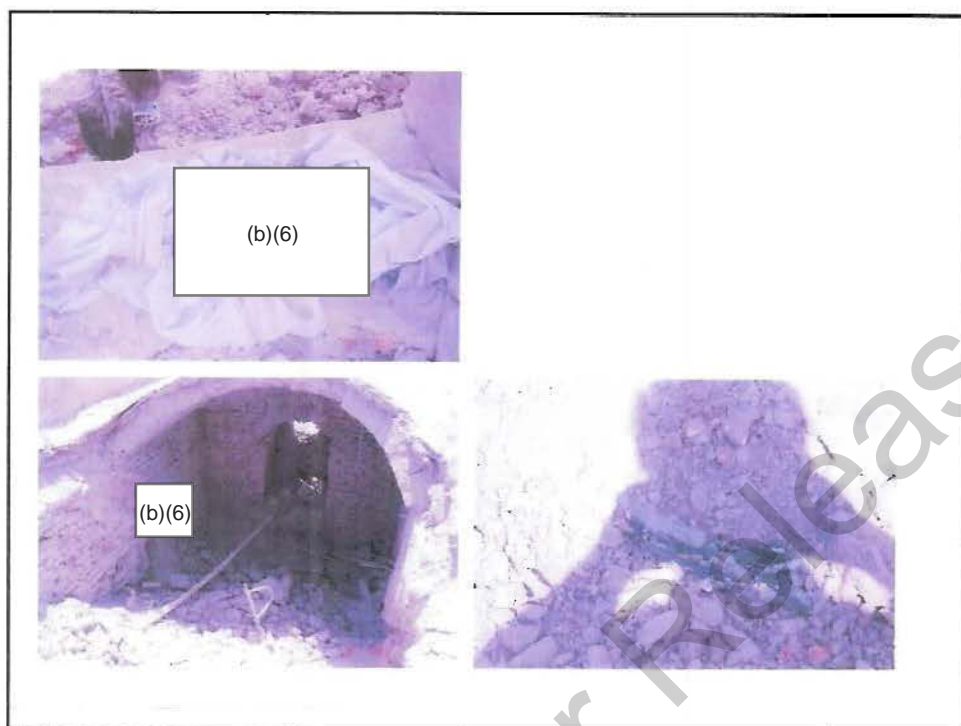
- The following CJSOTFA analysis of a National Directorate of Security (NDS) DVD of the casualties in Azizabad following Operation COMMANDO RIOT. (b)(1)1.4c on 25 August 2008
- Review of the JPEGs of the video and transcript indicates the following:
 - Slide 7: 2 children KIA, 2 Adult Males KIA
 - Slide 8: 2 children, 1x Women, 2x Adult Male, 1x Unidentified KIA'd
 - Slide 9: 3x Children KIA'd
 - Slide 10: No KIA identified
 - Slide 11: No KIA identified
- The translation of the video script claims the locals had already buried 70-75 bodies, then the elder says 65 were killed. He tells the camera man that he will show them five bodies. There is no PID on who the elder is that is speaking to camera at this time.
- Total Bodies identified in the JPEGs: 13 bodies (8 appear to women or children; one is unidentified, 4x Males identified as KIA'd with weapons in USSF pics)
- Assessment: There is no conclusive proof from these stills from the NDS video that there were anywhere near the numbers of civilian casualties claimed by the GICoA, UN or the locals. Of the military age males (MAMs) identified in the NDS video, 3 of 4 were previously identified during USSF as killed in action with weapons during the fighting

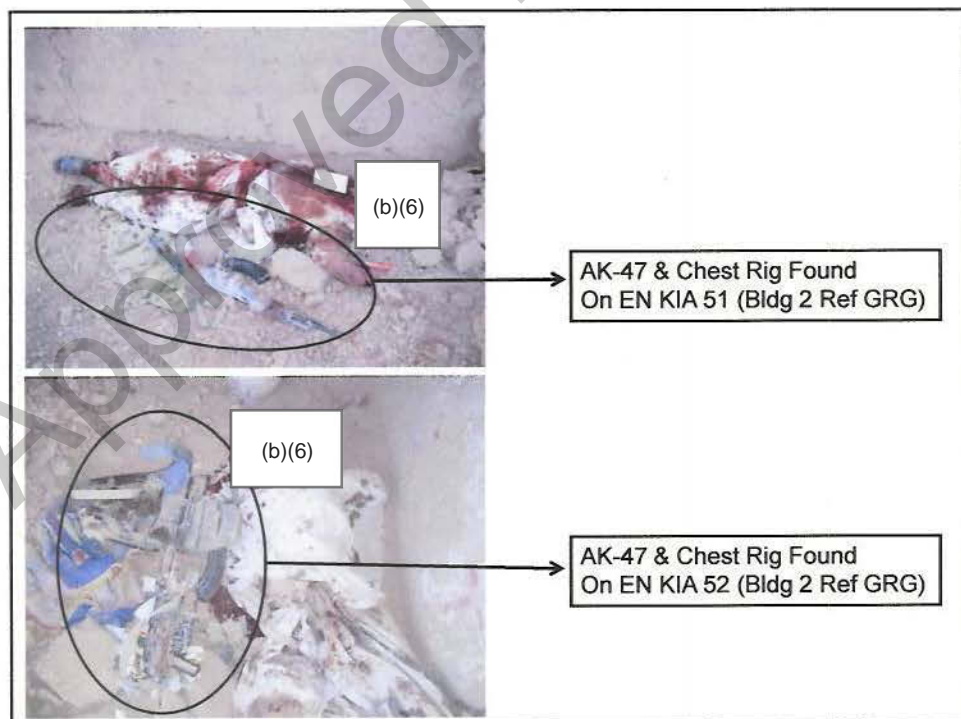
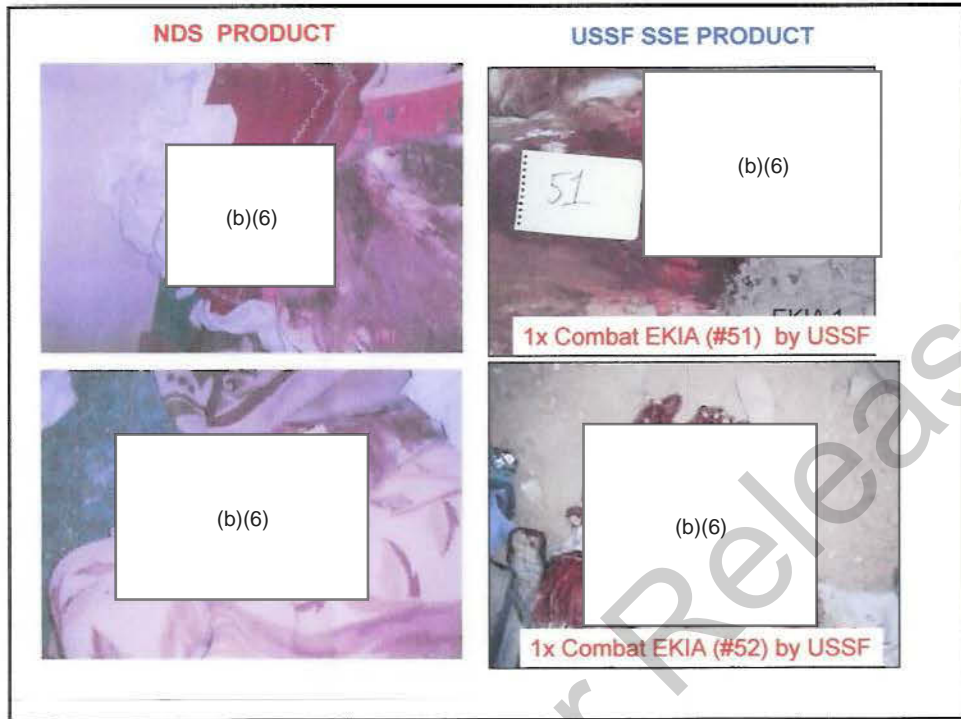


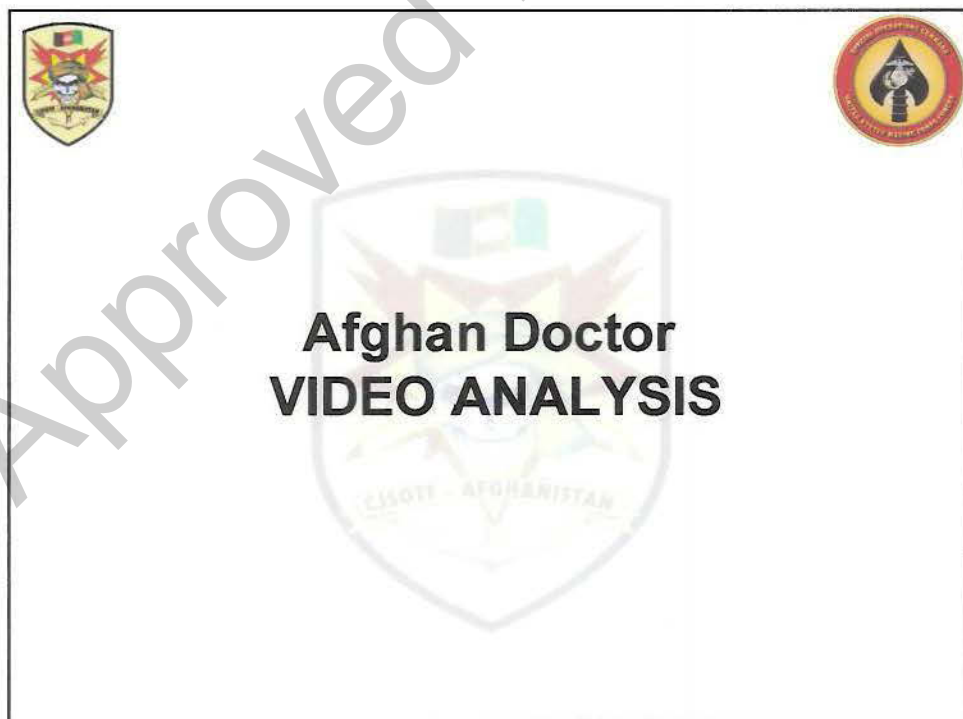
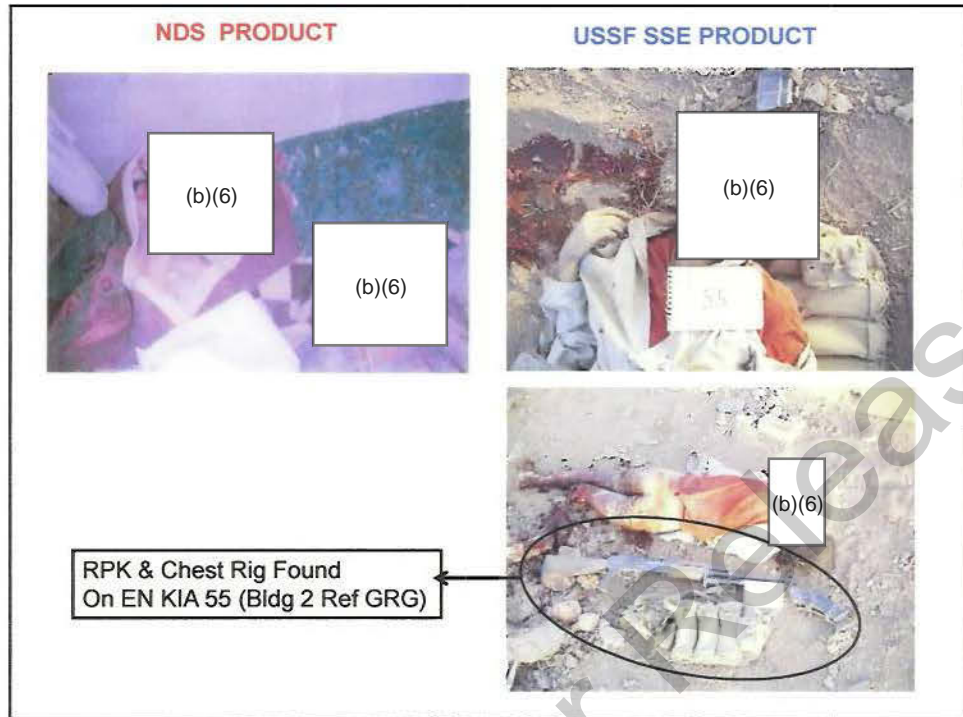
(b)(6)

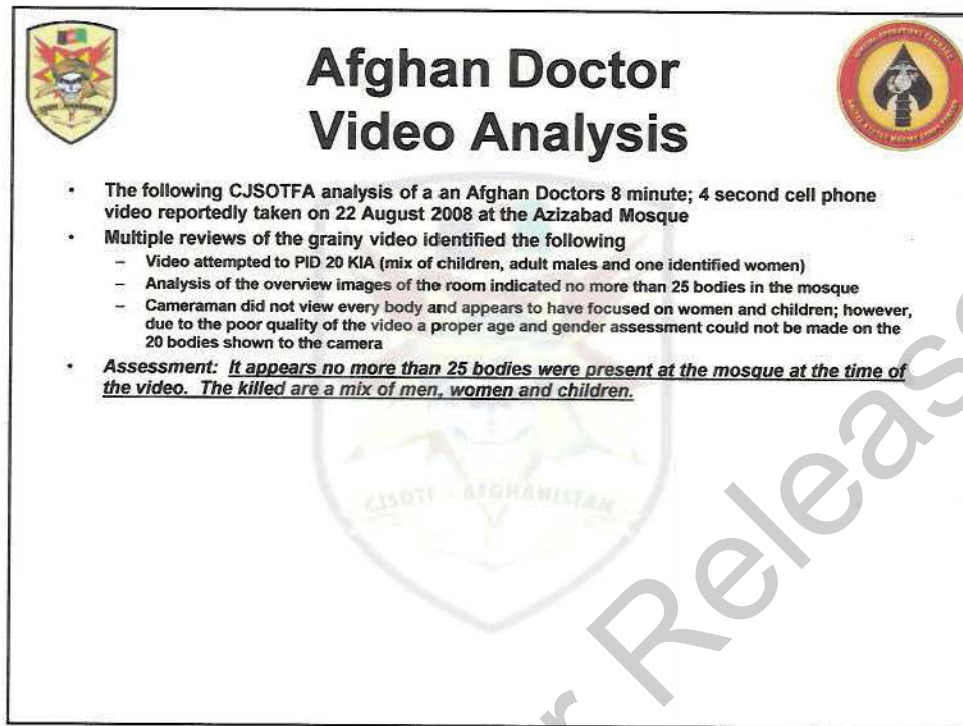






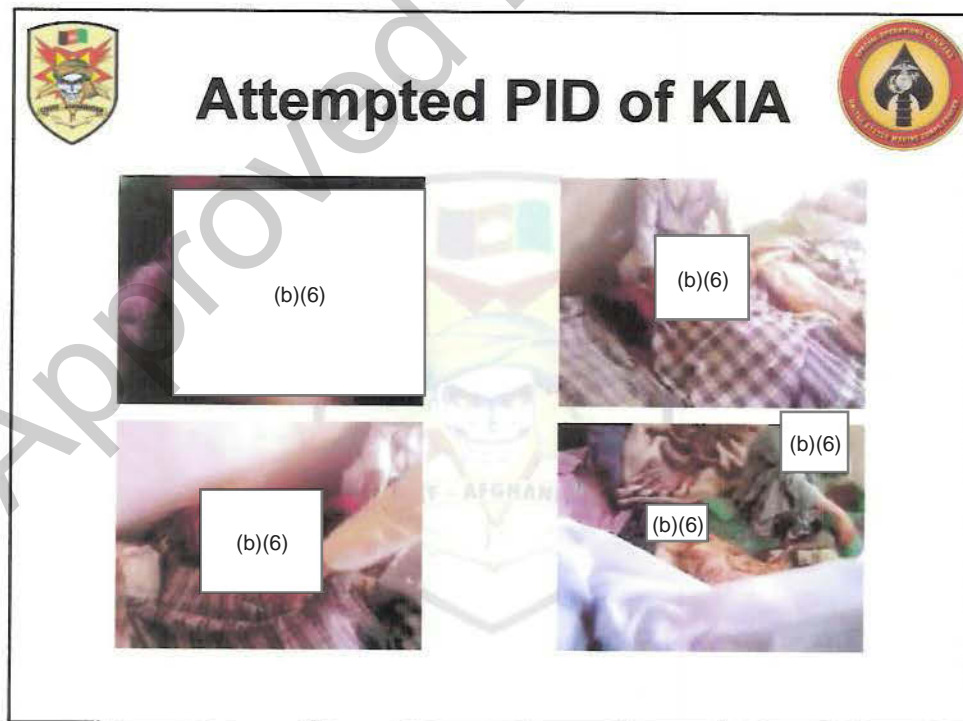






Afghan Doctor Video Analysis

- The following CJSOTFA analysis of an Afghan Doctor's 8 minute; 4 second cell phone video reportedly taken on 22 August 2008 at the Azizabad Mosque
- Multiple reviews of the grainy video identified the following
 - Video attempted to PID 20 KIA (mix of children, adult males and one identified women)
 - Analysis of the overview images of the room indicated no more than 25 bodies in the mosque
 - Cameraman did not view every body and appears to have focused on women and children; however, due to the poor quality of the video a proper age and gender assessment could not be made on the 20 bodies shown to the camera
- Assessment: It appears no more than 25 bodies were present at the mosque at the time of the video. The killed are a mix of men, women and children.



Attempted PID of KIA

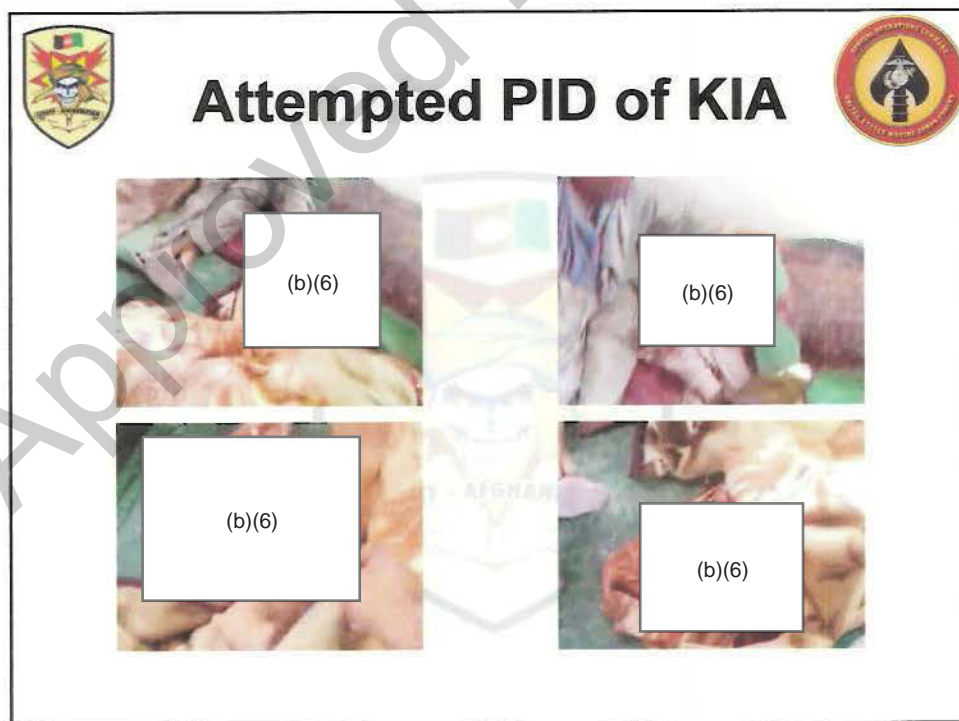
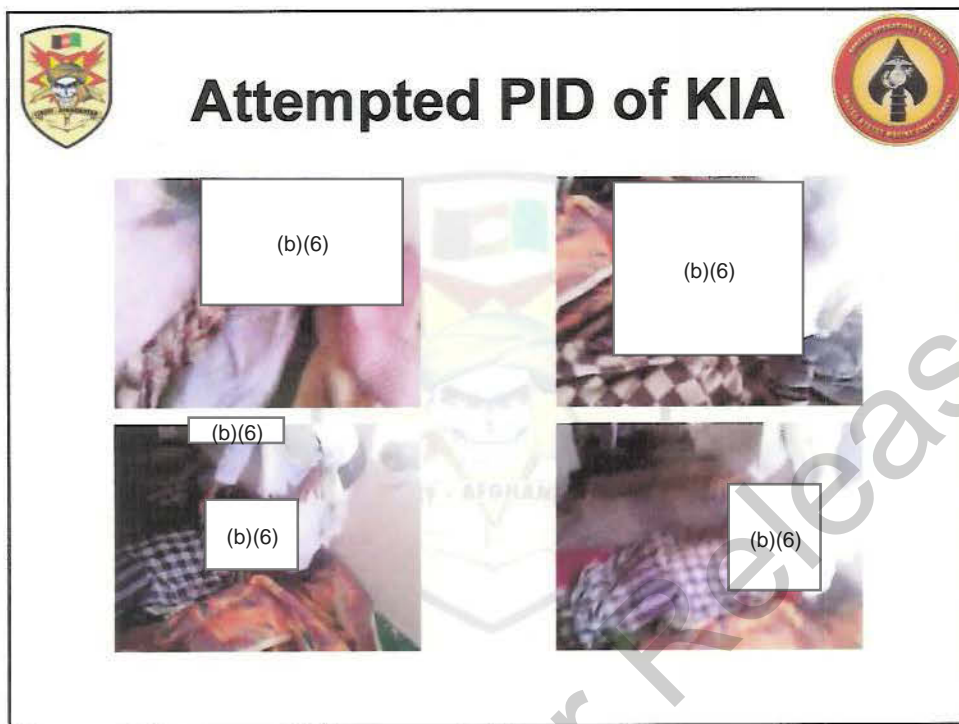
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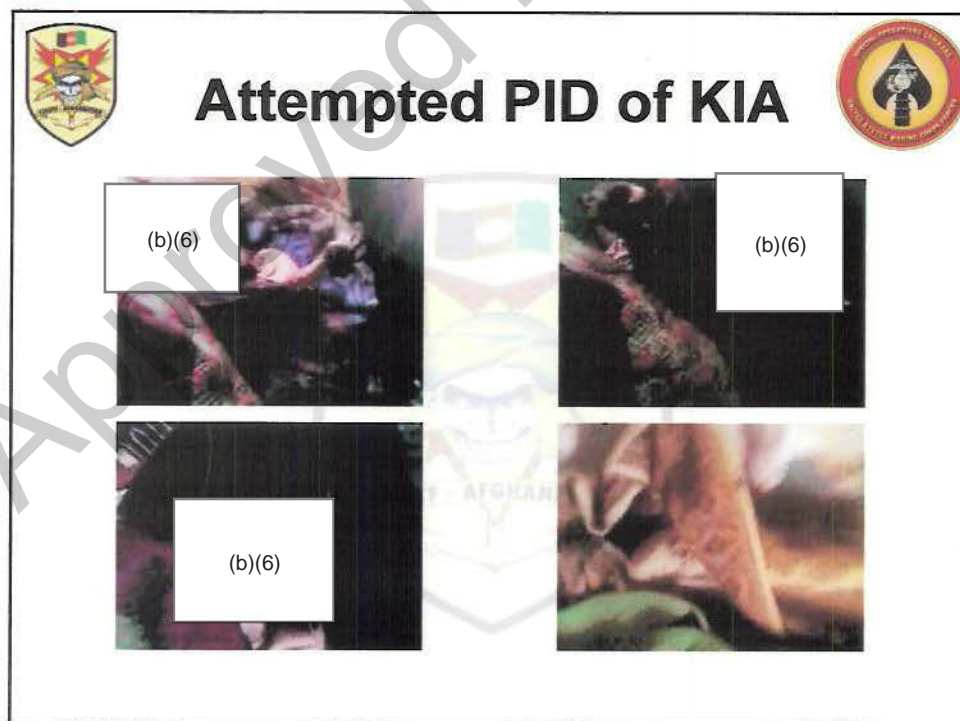
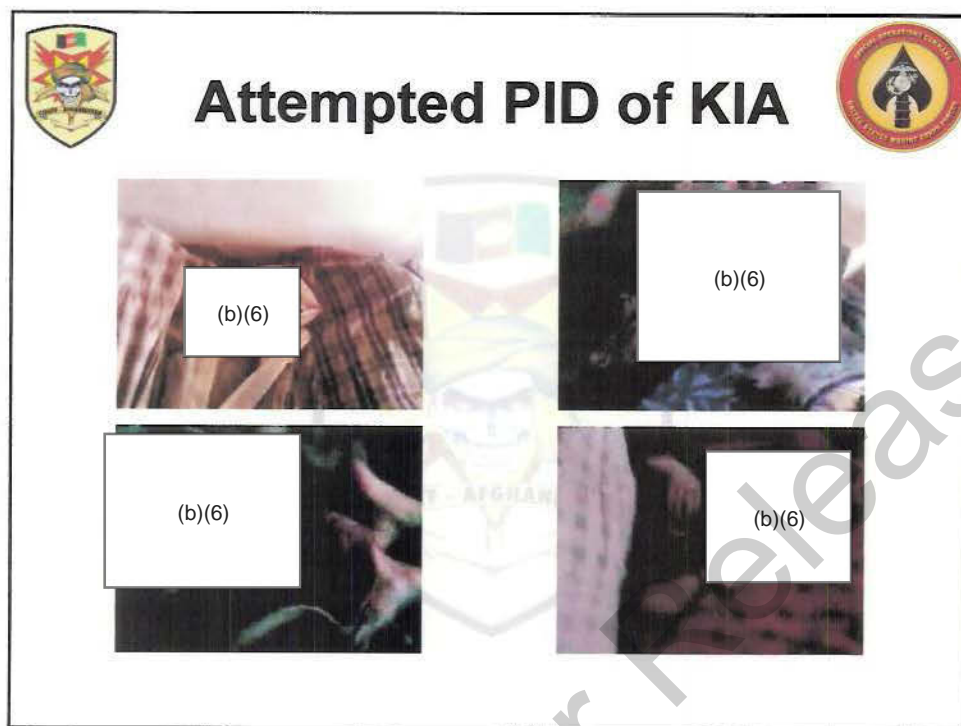
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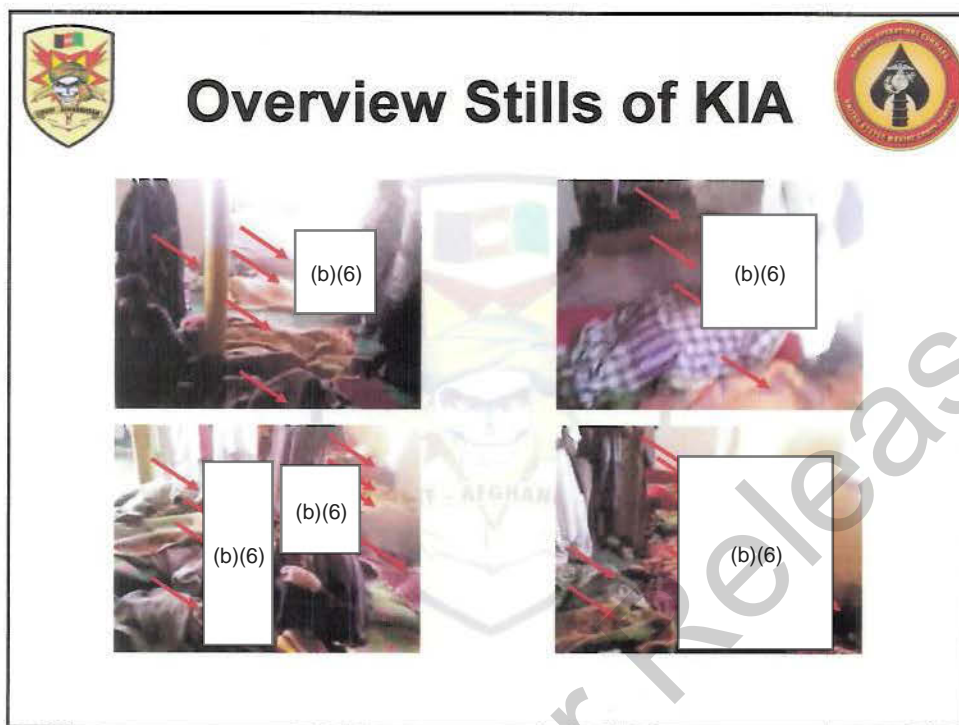
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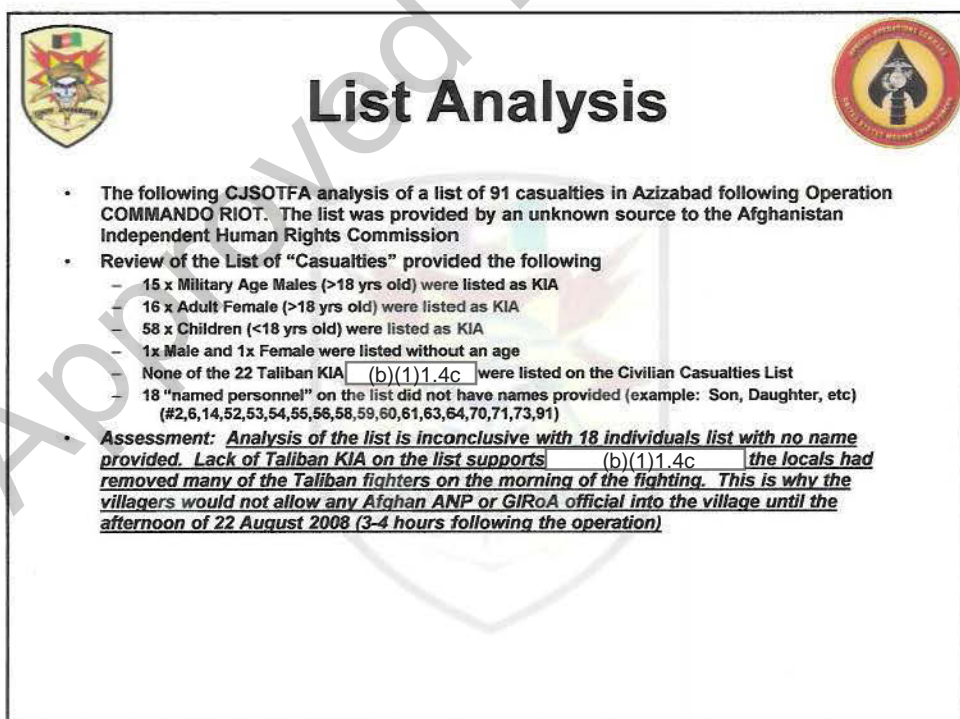
(b)(6)



(b)(6)











Named Taliban Killed

- The following list of 22 Taliban KIA was (b)(1)1.4c following Operation COMMANDO RIOT

(b)(6)

Final Analysis

- After extensive analysis of the data provided including videos, lists of KIA, (b)(1)1.4c CJSOTFA assesses (b)(1)1.4c there were no more than 48 individuals killed in Operation COMMANDO RIOT
 - (b)(1)1.4c 48 graves within a 40 Km x 40 Km search area surrounding Azizabad which may be related to operation but can not be confirmed
 - Analysis of (b)(1)1.4c and Afghan Doctor Video indicates no more than 10-15 civilians killed in the fighting
 - Total estimated 25 deceased at the Azizabad Mosque following the operation
 - Locals attempted to PID 20 KIA (mix of men, women and children) by removing sheets to show their faces
 - (b)(1)1.4c at least 22 of the individuals killed during the operation were named Taliban
 - 25-30 Taliban KIA is assessed as the final enemy KIA
- CJSOTFA assess (b)(1)1.4c the villagers of Azizabad exaggerated the numbers of civilian casualties from (10-15) to 91 in order to receive significant financial compensation from the GfRoA.

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COMBINED JOINT SPECIAL OPERATIONS TASK FORCE - AFGHANISTAN INFORMATION PAPER

16 May 2007

SUBJECT: Mitigation of potential collateral damage during combat operations.

1. **Background.** The CJSOTF-A has prepared this information paper to illustrate the planning considerations and control measures emplaced by this headquarters to mitigate the potential for collateral damage to the Afghan population and infrastructure as a result of combat operations.

2. **Methodology.** This information paper is sub-divided into three key areas: the Human Factor of who USSF Soldiers are and how they are trained; considerations this headquarters analyzes during the planning of Deliberate Offensive Operations; and Application of controlled and appropriate responses to hostile threats.

3. The Human Factor.

a. Experience. (b)(1)1.4a

(b)(1)1.4a

(b)(1)1.4a Most Special Forces Soldiers currently have two or more combat tours in Iraq, Afghanistan, or both. (b)(1)1.4a

(b)(1)1.4a

(b)(1)1.4a Our forces are inherently experienced in the proper escalation and application of force due to their continuous deployments to high threat regions that require constant assessment by each individual of the appropriate level of force required in each independent situation.

b. **Training.** Special Forces Soldiers receive years of advanced training in order to ensure they possess the experience and maturity to operate effectively under high stress situations. (b)(1)1.4a

(b)(1)1.4a

(b)(1)1.4a It is this comprehensive training methodology, from individual to company collective training that creates the "muscle memory" required to ensure none of our Soldiers accidentally engage non-combatants.

c. **Enablers.** In addition to training on assigned personal weapons, every (b)(6) (b)(6) conducts training on mortar, artillery, and Close Air Support (CAS) employment both in the classroom and in live fire exercises. (b)(1)1.4a, (b)(1)1.4c

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(b)(1)1.4c, (b)(1)1.4a

(b)(1)1.4a, (b)(1)1.4c We specifically look for women and/or children in vicinity of the objective area, visual indicators of government support structures or religious sites, and the size and disposition of the enemy force we can positively identify on the objective. (b)(1)1.4a

(b)(1)1.4a

5. Application of appropriate level of force when Reacting to Enemy Contact.

a. Regardless of whether we are conducting a deliberate offensive operation or a combat reconnaissance patrol, our forces adhere to established Rules of Engagement when reacting to hostile actions or threats. (b)(1)1.4a

(b)(1)1.4a

b. When faced with a hostile act or demonstrated hostile intent from an enemy force, CJSOTF-A units respond in accordance with the current *USCENTCOM Consolidated Serial One Rules of Engagement for Operation Enduring Freedom Mod 2* utilizing their training and experience. (b)(1)1.4a

(b)(1)1.4a

6. Conclusion. Throughout the training, planning, and execution cycle of combat operations, we continuously stress and assess the mitigation of collateral damage to non-combatants and civilian infrastructure. We conduct a formal and thorough risk assessment and management process focused on both protecting friendly forces and the local Afghan population in order to prevent potential collateral damage.

operation is also resourced with a current and qualified U.S. Air Force

(b)(1)1.4a

(b)(1)1.4a for the employment of CAS.

(b)(1)1.4a, (b)(1)1.4g

d. Employment of Afghan National Security Forces (ANSF). Another method we utilize to mitigate the potential for collateral damage is the employment of ANSF during all operations.

(b)(1)1.4a

(b)(1)1.4a

and they provide the cultural situational awareness and understanding that U.S. forces may lack.

4. Planning Considerations for Deliberate Offensive Operations.

(b)(1)1.4a, (b)(1)1.4c

(b)(1)1.4a, (b)(1)1.4c

(b)(1)1.4a, (b)(1)1.4c